

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.2100 of 2022

Chakradhar Sahoo @ Chakra Sahoo ***Petitioner***

Mr. A.R. Panda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. G.R. Mohapatra, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

21.03.2022

Order No.

01. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in Gochhapada P.S. Case No.4 of 2020, arising out of C.T. Case No.5 of 2020 pending in the court of learned Sessions Judge-Cum-Special Judge, Phulbani for the commission of offence under Section 20(b)(ii)(C) of the NDPS Act. He has filed this petition for bail.
4. The facts of the case, as narrated in the FIR, are that the petitioner was illegally transporting ganja through a motorcycle bearing Registration No.0D-12B-4184. Getting information, the informant along with his staff proceeded to the spot and found the petitioner was coming through the said vehicle. They detained the said vehicle along with its driver. On search, they found 35 kgs 500 grams of ganja from the possession of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner has been in judicial custody since 13.01.2020 and there is no criminal antecedent against him. Though the trial has commenced, it has not progressed. Two witnesses have only been examined. So, the bail petition may be allowed.

6. Learned counsel for the State opposes the bail prayer of the petitioner.

7. The petitioner has already spent in custody for about more than 1 year and trial has not been completed. There is likely less chance of completion of trial in near further. The Hon'ble Apex Court, time and again, has expressed displeasure on the delay of trial of the undertrial prisoners and their sufferings due to such delay. The Hon'ble Apex Court in ***Hussainara Khatoon (I) v. State of Bihar***,¹ observed that "*speedy trial is not specifically enumerated as a fundamental right in India; it is implicit in a broad sweep and content of Article 21 of the Indian Constitution*". It is pertinent to mention that certain provisions of the Cr.P.C. impose a statutory obligation upon the courts to proceed the trial "expeditiously" so that the case could be disposed of without inordinate delay. The speedy trial of offences is a desirable goal because long delay can defeat justice. There is a common proverb – '*delay defeats justice*'. Hence, it is said that speedy justice is the essence of an organized society and the cases should be decided as early as

¹ (1980) 1 SCC 81

possible. The present case fails to confirm to the aforesaid stand as articulated by the Hon'ble Apex Court.

8. Keeping in view the aforesaid facts and submissions, the BLAPL is allowed.

9. Let the petitioner-Chakradhar Sahoo @ Chakra Sahoo be released on bail in the aforesaid case on some stringent terms and conditions as deemed just and proper by the court in seisin over the matter with further conditions that:-

- i. he shall appear before the trial court on each date of posting of the case;
- ii. he shall not indulge in any kind of criminal activity during bail period and shall not tamper with the evidence of prosecution witnesses in any manner.

10. Violation of any of the conditions shall entail cancellation of the bail.

11. The BLAPL is disposed of.

12. Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge

pcd

