

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1798 of 2021

Jitendra Gond

.... ***Petitioner***
Mr.Rajesh Ku.Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.08.2022

Order No.

10.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Padmapur P.S.Case No.124 of 2020 corresponding to T.R.Case No.73 of 2020 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Gunupur for alleged commission of offence under Sections 20(b)(ii)(c) of N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 22.12.2020. He further submits that in the meantime investigation has been completed and charge sheet has been filed. However, trial has not yet commenced. It is further submitted by the learned counsel for the Petitioner that right of speedy trial has been guaranteed to the citizens of this country and the same is embodied in Article 21 of the Constitution of India.

Hon'ble Supreme Court of India observed that speedy trial is a right vested on every citizen in criminal justice system. The Hon'ble Supreme court in a judgment in the matter of ***Hussainara Khatoon & others vrs. Home Secretary, State of Bihar*** has taken a similar view.

5. Learned Additional Standing Counsel on the other hand opposes the prayer for bail of the Petitioner on the ground that the Petitioner was arrested at the spot along with contraband ganja. He further submits that in the event the Petitioner is released on bail he will not cooperate with the trial and the trial will be delayed. Further it is submitted that the cases of illegal trafficking of contraband ganja will rise in the State. Therefore, no leniency should be shown to the Petitioner as well as other similarly situated persons. With the aforesaid submissions, learned counsel for the State urges rejection of the prayer for bail of the Petitioner.

6. Having heard learned counsel for the parties, considering the fact that the Petitioner is in custody since 22.12.2020 and the trial has not yet commenced and there is no likelihood of the trial will commence in near future and considering the quantum of ganja seized, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.1,00,000/- (Rupees one lakh) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.

- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) He shall not leave the jurisdiction of the Court in seisin over the matter and shall furnish correct address and mobile number to the Police from time to time for verification.
- vii) Violation of any of the terms and conditions shall entail cancellation of bail.

7. The trial court may impose any other condition(s) as deem fit and proper.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents of similar nature. In the event it is found that the Petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge