

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1808 of 2021

Amit Kumar

....

Petitioner

Mr. D. Panda, Advocate

-versus-

***SR. I.O., Directorate of
Revenue Intelligence***

....

Opposite Party

Mr. Karunakar Gaya, ASC

Mr. R. Chimanka (G.S.T., C.E.S.)

CORAM: JUSTICE V. NARASINGH

ORDER

27.04.2022

Order No.

09.

1. This matter is taken up through hybrid mode.
2. Heard Mr. D. Panda learned counsel for the petitioner and Mr. R. Chimanka learned counsel for G.S.T., C.E.S.
3. The petitioner is an accused in T.R. Case No.3101 of 2018, on the files of learned Third Additional Special-cum-Sessions Judge, Bhubaneswar, arising out of DRI. F. No. DRI/HZU/BRU/48/ENQ-08(INT-04) of 2018, under Sections 20(b)(ii)(c), 28 & 29 of the N.D.P.S Act and is in custody since 26.11.2018.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Bhubaneswar, by order dated 11.01.2021 in the aforementioned case, the present BLAPL has been filed.

4. Perused the report of the learned Additional District Judge and Sessions Judge-cum-Additional Special Judge, Vigilance dated 12.04.2021.

5. It is borne out from the said report that two witnesses were examined on behalf of the prosecution on 09.04.2021 one of them Mr. Rajkishore Das is stated to be the chemical examiner.

6. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 2018 and because of non-production of the witnesses for cross-examination the trial is lingering and the petitioner is seriously prejudice and submits that on the score alone, he is entitled to be released on bail.

7. Learned counsel for the revenue intelligence Mr. Chimnka states that because of the onset of Covid-19 the witnesses could not be produced and assures this Court that proactive steps shall be taken to ensure the presence of the witnesses on the date fixed.

8. It is stated by the learned counsel for the petitioner that next date before the learned Court below is fixed to 02.05.2022.

9. Taking note of the submissions of the counsel for Revenue Intelligence, this Court directs that the learned Court below shall make an endeavor to conclude the trial within a period of three months from the date of receipt/production of the copy of this order. It shall be open to the petitioner to renew his prayer in the event trial is not concluded within the time fixed and delay is not attributable to the petitioner.

10. With the above observation, the BLAPL is accordingly disposed of.

11. The Registry is requested to communicate the copy of this order to the learned Court in seisin over the matter.

(V. NARASINGH)
Judge

Santoshi

