

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1945 of 2021

Mithun Sekh

....

Petitioner

Mr. B.N. Mahapatra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Mohanty, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

18.05.2022

Order No.

05.

1. This is an application under Sec.439 Cr.P.C. for bail and the offence alleged is under Sec.20(b)(ii)(C) of the NDPS Act for alleged possession of contraband ganja weighing 60 kg. 850 grams.

2. Heard Mr. B.N. Mahapatra, learned counsel for the Petitioner as well as Mr. P.K. Mohanty, learned A.S.C. for the State-Opposite Party.

3. After hearing learned A.S.C. for the State-Opposite Party, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act. The prayer for bail is rejected.

4. However, it is submitted on behalf of the Petitioner that he is inside custody since 5.10.2019 and the trial has not yet commenced till date.

5. Thus considering long period of detention of the Petitioner inside custody and slow progress in trial, it is directed to release

the Petitioner on interim bail for a period of three months from the date of his release in connection with Baliguda P.S. Case No.130/2019 corresponding to C.T. Case No.107/2019 on such terms and conditions to be fixed by learned Addl. Sessions Judge, Baliguda as he deems just and proper including the condition that the Petitioner shall furnish two sureties (with proper identity proof) out of which one shall be his relative and that, he shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender in the trial court on or before 24th August, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend him.

7. The BLAPL is disposed of.

8. An urgent certified copy of this order be granted on proper application.

(**B.P. Routray**)
Judge