

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2430 of 2022

Jay Prakash Yadav

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. B. Panigrahi, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

27.07.2022

Order No.

01.

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 49 kg.
2. Heard Mr. J.K. Panda, learned counsel for the Petitioner as well as Mr. B. Panigrahi, learned A.S.C. for the State-Opposite Party.
3. After hearing Mr. B. Panigrahi, learned Additional Standing Counsel 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 31.08.2019 and only two witnesses have been examined till date despite earlier direction of this Court in BLAPL No.9345 of 2019 for expeditious completion of trial, preferably by end of October, 2021.

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 Mathili P.S. Case No.129/2019 corresponding to T.R. Case No.103/2019 on such terms and conditions to be fixed by learned Additional Sessions Judge-cum-Special Judge, Malkangiri 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 2nd November, 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