

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2439 of 2022

Bikash Kumar Pradhan

.... Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. P.K. Mohanty, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

19.4.2022

Order No.

- 01.
1. Heard Mr. J. Sahoo, learned counsel for the Petitioner and Mr. P.K. Mohanty, learned Additional Standing Counsel.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Bikash Kumar Pradhan in connection with EI & EB (SD), Berhampur P.R. No.38 of 2019-20 corresponding to 2(a)CC No.11 of 2019-N pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, Berhampur for alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S. Act for alleged possession of contraband ganja weighing about 114 kg.
 3. It is submitted on behalf of the Petitioner that the co-accused has been released on bail by a coordinate bench of this court. The bail order in respect of that co-accused has been annexed as annexure-1. It is further submitted that despite earlier direction of this court passed in BLAPL No.4991 of 2021 for early completion of trial, only two witnesses have been examined till date.
 4. After hearing Mr. Mohanty, learned ASC for the State and upon perusal of order dated 3rd March, 2022 passed in BLAPL No.33 of

2022 at Annexure-1, it reveals that the same speaks nothing with regard to the bar contained under Section 37(1)(b) of NDPS Act and as such, no benefit can be drawn from the said order in favour of the Petitioner in the present case.

5. Keeping in view the total quantity of contraband ganja and the embargo contained under Section 37(1)(b) of NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

6. However, considering the long detention of the Petitioner inside custody and slow progress of trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that, the Petitioner shall furnish two sureties out of whom one shall be his relative and that, the Petitioner shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

7. It is made clear that the Petitioner shall surrender on or before 25th July, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend him.

8. The BLAPL is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge