

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2714 of 2022

Biswanath Behera

....

Petitioner

Mr. A. Mishra, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. A. Pradhan,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.05.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. As directed, learned Special Judge-cum-Sessions Judge, Sonapur has submitted a report indicating that the petitioner was granted bail as per order dated 08.01.2019 passed by this Court in BLAPL No.1002 of 2018. Accordingly, he was released on 16.01.2019. As it appears, he was taken to custody in connection with some other case of the State of Chhatisgarh subsequently. In the meantime, in the case pending before the learned Special Judge, i.e., Special G.R. Case No.35(A) of 2017, NBW was issued against the petitioner for his non-appearance vide order dated 22.08.2019.
4. It is stated that the petitioner was in custody in the State of Chhatisgarh since 24.02.2019 and was granted bail on 27.01.2020. Under such circumstances it is evident that the petitioner could not have appeared before the learned Court below, for which NBW was issued.

5. Coming to the facts of the present case, it appears that the petitioner has been arrested on the ground of possessing and transporting contraband ganja weighing 25 kgs.

6. Having regard to the fact that on the same fact this Court had already granted him bail in BLAPL No. 1002 of 2018 after appreciating the materials on record and the petitioner was taken to custody only because of the non-appearance on the date fixed, which in turn was due to his detention in the State of Chhatisgarh, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge

