

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2246 of 2021

Jagyansena Kanhar

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Rath, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
15.02.2022

Order No.

07.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Sec.20(b)(ii)(C)/25/29 of the NDPS Act for alleged possession of contraband ganja weighing 38 kg. 400 grams.

2. Heard Mr. A.R. Panda, learned counsel for the Petitioner as well as Mr. A. Rath, learned A.S.C. for the State-Opposite Party.

3. It is submitted by learned counsel for the Petitioner that the Petitioner is inside custody since 21.8.2019 and in the meantime though trial has commenced, but no witness is examined.

4. 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 as the amount of contraband is admittedly attracting the commercial quantity. The prayer for bail is rejected.

5. However keeping in view the long period of 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 two months from the date of his release in connection with Balliguda P.S. Case No.107/2019 corresponding to C.T. Case No.97/2019 on such terms and conditions to be fixed by the learned Addl. Sessions Judge-cum-Special Judge, Balliguda as he deems just and proper including the condition that the Petitioner 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 himself in the learned trial court on or before 20th April, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest for apprehending the Petitioner.

7. The BLAPL is disposed of with the aforesaid directions.

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

(B.P. Routray)
Judge