

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3137 of 2022

***Chandan Kumar Behera @ Chandan
Behera***

.... ***Petitioner***

Mr. Amlan Shakti Paul, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.K. Mohanty, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

**ORDER
10.5.2022**

Order No.

01. 1. Heard Mr. A.S. Paul, 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 Chandan Kumar Behera @ Chandan Behera in connection with Excise E.B. Unit-II, Cuttack P.R. Case No.191 of 2017-18 corresponding to 2(a) C.C. Case No.10 of 2018 pending in the court of learned 2nd Additional Sessions Judge, Cuttack for alleged commission of offence under Section 21(c) of the N.D.P.S. Act for alleged possession of 450 grams of heroin.
3. It is submitted on behalf of the Petitioner that he is inside custody since 30th January, 2018 and till date the trial is awaiting completion and only 3 witnesses have been examined in the meantime.
4. Upon hearing Mr. Mohanty, learned Additional Standing Counsel for State and keeping in view the total quantity of contraband

and the embargo contained under Section 37(1)(b) of the NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

5. 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 (with proper identity proof) out of whom one shall be his relative and that, he shall not be involved in any other offence while on bail.

6. It is made clear that the Petitioner shall surrender on or before 16th August, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

7. The BLAPL is accordingly disposed of.

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

(B.P. Routray)
Judge