

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3451 of 2022

SK. Wasim Hasan and another

Petitioners

Mr. S. Rath, Advocate

-versus-

State of Odisha

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
17.05.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioners are accused in 2(a) CC Case No.24 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Cuttack arising out Excise E.I. and E.B. Unit-II, Cuttack bearing P.R. No.06/2021-2022, under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 07.04.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack, by order dated 18.05.2021 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that though the petitioners are in custody since 07.04.2021, trial has not commenced. Hence relying on the judgment of the Apex Court in the Case of *Hussainara Khatoon & Ors vs. State of Bihar* reported in *1979 AIR 1369*, counsel for the petitioners seek release.

6. Learned counsel for the State opposes such prayer for bail.

7. Considering the period of custody and that trial has not commenced, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter, including cash security to the tune of Rs.1 Lakh and it is further directed that the petitioners shall appear before the jurisdictional Police Station once in every month till the conclusion of trial. The date(s) to be fixed by the learned Court in seisin over the matter.

8. Violation of any of the conditions relating to the appearance shall entail cancellation of bail in accordance with law without any further reference to this Court.

9. The present BLAPL is disposed of accordingly.

10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi