

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2774 OF 2021

Suresh Jani

..... *Petitioner*
Mr. Manas Chand, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K. Gayak, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
24.06.2022

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. Heard learned Counsel for the petitioner and learned Counsel for the State.
3. The petitioner is an accused in connection with Special (NDPS) Case No. 35 of 2020 corresponding Manmunda P.S. Case No. 130 of 2020, pending on the file of the learned Sessions Judge-cum-Special Judge, Boudh for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act. The petitioner is in custody since 29.08.2020.
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, Boudh by Order dtd. 025.09.2020 in C.T. No.556 of 2020, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 29.08.2020 and seeks release inter alia on the ground of non-commencement of trial.

6. Learned counsel for the State opposes the prayer for bail of the petitioner in view of the Bar contained under Section-37 of the NDPS Act and rejection of the bail of the co-accused.

7. Keeping in view the law laid down on the judgment of the Apex in the case of *Hussainara Khatoon & Others Vrs. State of Bihar*, reported in (1980) 1 SCC 81, considering the period of custody, this Court directs the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. The BLAPL thus stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

Balaram

(V.Narasingh)
Judge