

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3510 of 2022

Paltu @ Sidharth Majumdar

.... ***Petitioner***
Mr. A.R. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Miss. Samapika Mishra, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
01.08.2022

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/physical mode)
2. This is the successive journey of the petitioner, who is in custody in connection with S.T.F. Bhubaneswar P.S. Case No.9 of 2020 corresponding to Special Case No.1 of 2021 (arising out of Spl. Case No.41 of 2020) pending in the court of the learned 3rd Additional Sessions Judge, Balasore running for the alleged commission of offence under sections 21(C)/29 of the N.D.P.S. Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that although the Petitioner is in custody since 27.01.2020 being arrested in the case which concerns with possession of 298.5 grams of contraband brown sugar, no such contraband has been recovered from the possession of the Petitioner. He further submits that the case against the Petitioner is based on the

statement of the co-accused. He, therefore, submitted that despite such long detention of the Petitioner when there has been no such substantial progress in the trial, further detention of the Petitioner is not warranted. In view of all these above, he urges for reconsider of the prayer for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move. According to her the Petitioner being involved in a case of possession of commercial quantity of brown sugar with the circumstances as have been collected in course of investigation, it is too premature a stage to say that the materials against the Petitioner to connect him with the recovery of contraband brown sugar are too weak. Further placing the bar contained in section 37 of the NDPS Act; she urges that it is not a fit case for grant of bail to the Petitioner.

5. Taking into account the submissions made further keeping in view the materials as collected in course of investigation as also the nature and gravity of the offence for commission of which the Petitioner is facing the trial, while being not inclined to re-consider the prayer for grant of bail to the Petitioner, this application is disposed of with the observation that the Trial Court would do well to take all such effective steps as provided in law for early conclusion of the trial.

6. Issue urgent certified copy as per rules.

(D.Dash)
Judge