

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.3821 OF 2022

Subhranshu Karmi

....

Petitioner

Mr. Styabrata Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. B. Panigrahi, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

07.07.2022

Order No.

01. 1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This the successive journey of this Petitioner, who is in custody in connection with Kantamal P.S. Case No.53 of 2019 corresponding to Special Case (NDPS) No.31 of 2019 on the file of learned Addl. District & Sessions Judge-cum-Special Judge, Kantamal, running for alleged commission of offence under Section-20(b)(ii)(C) of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for his release on bail.
3. Learned Counsel for the Petitioner submits that this Petitioner being arrested on the allegation that he with seven others were meddling with plastic jari bags containing in total 199 kgs of ganja is in custody since 13.03.2019. He further submits that as per the case of the prosecution on arrival of the officials all the accused persons managed to flee away whereas

the present Petitioner was accosted. It is his submission that when the entire prosecution version is viewed, it reveals that all the accused persons stand on the same footing in respect of their roles of commission of offences. He submits that in the meantime after filing of charge-sheet, all the accused persons have been released on bail and have been enjoying the liberty as such and this Petitioner has been languishing in custody as because he is said to have failed to escape from the place and disclosed the names of other co-accused persons. It is further submitted that despite such long period of detention of the Petitioner in custody, the progress of trial has not been at the desired pace and its early conclusion is not at all expected. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence, he urges for reconsideration of the prayer for grant of bail to the Petitioner as, according to him, the bar contained under Section-37 of the NDPS Act at this stage would not stand to apply.

4. Learned Counsel for the State opposes the move in view of the quantity of ganja involved in the case. While not disputing the position that other co-accused persons have been released on bail, he points out that the main reason for the same is because they have been so arraigned in the case on the basis of disclosure made by this Petitioner.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including

the factum of release of co-accused persons on bail as also the period of detention of the Petitioner in custody and on going through the order passed by the learned Additional Sessions Judge; in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioner, it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court is seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of trial;
 2. will not indulge himself in commission similar type of offences; and
 3. will appear before the IIC, Kantamal P.S. every alternate Monday in between 10 am to 2 pm till conclusion of trial.
6. The BLAPL is accordingly disposed of.
- Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**