

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4156 of 2022

Santosh Sabar

....

Petitioner

Mr.D.R.Bhokta
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S. K. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
15.9.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 21st November, 2019 in connection with Nandpur P.S. Case No.79/2019 corresponding to T.R. Case No.34/2019 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of the offence under Section 20 (b)(ii) (C) of NDPS Act.
4. It is alleged that the Petitioner and another person were transporting contraband ganja weighing 24 kgs. 400 grams when they were apprehended by Police. It is submitted that the

statutory formality relating to search and seizure has not been followed. Moreover the mode of weighment of the contraband article is also doubtful. Further, despite the fact that the Petitioner is in custody for nearly three years, trial is yet to begin. As such, the liberty of the Petitioner has been curtailed unnecessarily and no steps appear to have been taken to expedite the trial. It goes without saying that liberty is the most cherished object guaranteed under Article 21 of the Constitution of India and cannot be taken lightly. The Petitioner cannot be blamed for non-commencement/conclusion of the trial for such a long period.

5. Taking into consideration all the above facts, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

