

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.3369 OF 2021

<i>Parama Raika @ Parom Raika</i>	<i>Petitioner</i>
	 Mr. A.P. Bose, Advocate
-versus-	
<i>State of Odisha</i>	<i>Opposite Party</i>
	 Mr. Samaresh Jena, ASC.

CORAM:
MR. JUSTICE D.DASH
ORDER
18.10.2022

Order No.
02.

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 R. Udayagiri P.S. Case No.82 of 2019 corresponding to G.R. Case No.48 of 2019 on the file of learned Special Judge-cum-Sessions Judge, Gajapati running for commission of offence under Section- 20(b)(ii)(C)/25 /29 of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for his release on bail in the above mentioned case.

During pendency of the above application, the Petitioner has also filed an application for grant of interim bail.

3. Learned Counsel for the Petitioner submits that as per the prosecution case, on interception of the vehicle, four accused persons travelling in the vehicle in question and the prosecution says that on search of the same, 500.930 Kgs. of ganja kept in 12 jari bags have been recovered and seized. He further submits that this Petitioner is said to be one among those four in the vehicle and as such, he being arrested in the case in custody since 27.08.2019, when by now in the trial seven witnesses have been examined.

At this stage, learned Counsel for the Petitioner instead of pressing the matter for grant of regular bail to the Petitioner, prays for disposal of the application by considering the matter relating to the grant of interim bail to the Petitioner. He submits that this Petitioner is a permanent resident of the district of Gajapati and he being in custody from 28.07.2019, it is only his wife who has been managing family affairs. He submits that having somehow managed the show for all these period; it is no more possible in her part to manage further without the help and aid of this Petitioner at home at least for some period. He also submits that the wife of the Petitioner is having the ailments and for that she is regularly under treatment of the Medical Officer attached to the CHC, Chandragiri and in view of such health condition, she also needs the presence of this Petitioner by her side for further investigation and better treatment as well as medical advice. In view of all these above, he urges for grant of interim bail to the Petitioner for a period of three months on such terms and conditions as deemed just and proper.

5. Learned Counsel for the State opposes the move in view of the quantity of contraband involved in the case. She submits that it is not a fit case for grant of interim bail to the Petitioner merely looking at his period of detention in custody. He however, does not dispute that the Petitioner being in custody from 28.07.2019, the trial is on the mid way and its completion is not expected to be so soon.

6. Considering the submissions made and on going the averments made in the applications as well as the documents annexed to the interim application, further keeping in view the other surrounding circumstances, these applications stand

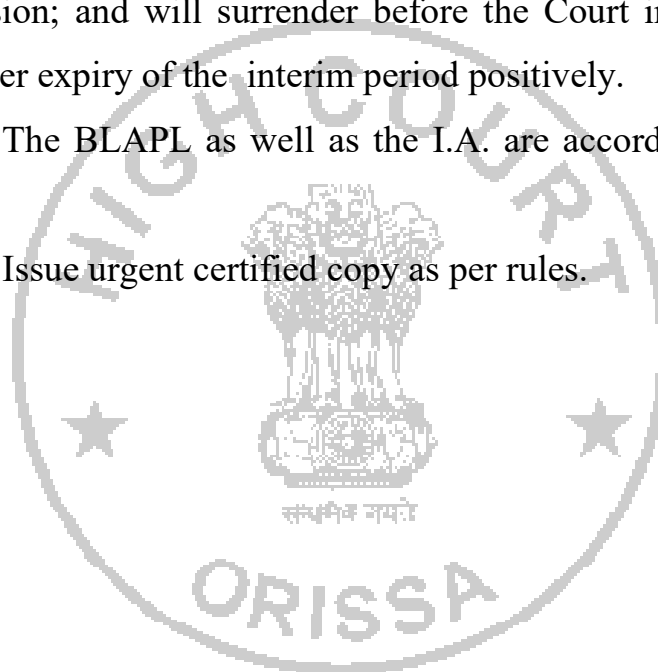
disposed of granting interim bail to the Petitioner for a period of eight (8) weeks.

Accordingly, it is directed that the Petitioner be released on interim bail for a period of eight weeks w.e.f. the date of his actual released from the custody on such terms and conditions as deemed just and proper, with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will not leave the jurisdiction of the Court in seisin of the case without prior permission; and will surrender before the Court in sesin of the case after expiry of the interim period positively.

7. The BLAPL as well as the I.A. are accordingly disposed of.

Issue urgent certified copy as per rules.

Narayan



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