

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4559 of 2022

Tapas Digal @ Tutu

....

Petitioner

Miss. C. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.09.2022

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 Phulbani Sadar P.S. Case No.10 of 2021 corresponding to C.T. Case No.16 of 2021, pending in the file of learned Sessions Judge -cum- Special Judge, Phulbani, under Sections 20(b)(ii)(C)/25/29 of NDPS Act.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Phulbani, by order dated 25.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that though the petitioner is in custody since 09.02.2021 and charge-sheet has been filed on 30.06.2021, there is no progress in the trial and it is further

submitted that since the petitioner is a local person, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that non commencement of trial cannot be a ground in view of the Bar contained under Section 37 of the NDPS Act.

7. Taking into account that the petitioner is in custody since 09.02.2021 and trial is not commenced, as submitted by learned counsel for the petitioner, this Court directs the petitioner to be released on bail, keeping in view the law laid down in the judgment of the Apex Court in the case of **Hussainara Khatoon & Others Vrs. State of Bihar**, reported in (1980) 1 SCC 81.

8. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every fifteen days till conclusion of the trial and certification of such appearance shall be submitted to the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha