

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3966 of 2021

Satyajit Palai

....

Petitioner

Mr. R.K. Mallick, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.S. Pradhan, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

24.06.2022

Order No.

04.

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 P.R. Case No.23/21-22 corresponding to 2(a) CC Case No.27 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Cuttack under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 28.04.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack, by order dated 30.04.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner seeks bail inter alia on the ground of non-commencement of trial placing reliance on the judgment of Apex Court in the Case of ***Hussainara Khatoon & Ors vs. State of Bihar*** reported in ***1979 AIR 1369***.

6. Learned counsel for the State opposes the prayer stating inter alia that in view of the bar under Section 37, the judgment cited has no application.
7. Taking into account that the petitioner is in custody for more than one year and trial has not been commenced and he does not run the flight risk, this Court directs petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter so as to ensure his presence on each date of trial.
8. Accordingly, the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted as per rules.

Santoshi

