

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5081 of 2022

Bibhuti Bhusan Parida @ Butu

....

Petitioner

Mr.M.K. Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Miss. Samapika Mishra, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

13.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This the successive journey of this Petitioner, who is in custody in connection with Berhampur EI & EB (SD) Excise P.R. No.129 of 2018-19 corresponding to 2(a) C.C. Case No.4 of 2019(N) on the file of learned 1st Addl. Sessions Judge-cum-Special Judge, Berhampur, 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 on the allegation that this Petitioner was involved in transportation of 94 kgs of ganja being present in the vehicle wherefrom the contraband has been recovered having been arrested in the case is in custody since 28.07.2019. He further submits that co-

accused persons similarly situated with this Petitioner have already been released on bail. He submits that the trial has not reached at that stage that its early conclusion can be expected. It is submitted that the Petitioner being a permanent resident of the District of Khurda, there remains no scope on his part to flee from justice and the question of tampering the evidence at his instance does not arise, as most of the witnesses are officials. In view of all these above, he urges for reconsideration for grant of bail to the Petitioner as, according to him, the bar contained under section 37 of the N.D.P.S. Act at this stage does not stand on the way.

4. Learned counsel for the State opposes the move in view of the quantity of contraband ganja involved in the case.

5. Considering the submissions made; further keeping in view the materials on records as those stand against the petitioner as also the quantity of seized contraband with other surrounding circumstances including the period of detention of the petitioner in custody; in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioner in the aforesaid case, 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 he will appear in person before the court in seisin of the case on each and every date of posting of the case till conclusion of the trial; will not indulge himself in commission of similarly activity and

will not leave the jurisdiction of the Court in seisin of the case without prior permission of the court.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D.Dash)
Judge

Himansu

