

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4228 of 2021

Bhakta Charan Danga

....

Petitioner

Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Rath, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

17.02.2022

Order No.

03.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C)/25/29 of the NDPS Act for alleged possession of contraband ganja weighing 21 kg. 200 grams.

2. Heard Mr. B.S. Dasparida, learned counsel for the Petitioner as well as Mr. A. Rath, learned A.S.C. for the State-Opposite Party.

3. It is submitted by learned counsel for the Petitioner that the Petitioner is inside custody since 12.11.2019 and despite the directions of this Court dated 25.1.2021 in the earlier bail application, i.e. BLAPL No.11192 of 2019 to complete the trial by end of August, 2021, the same is yet to commence.

4. After hearing learned A.S.C. for the State-Opposite Party, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act. The prayer for bail is rejected.

5. However keeping in view the long period of detention of the Petitioner inside custody and slow progress of trial, it is directed to release the Petitioner on interim bail for a period of two months from the date of his release in connection with Baunsuni P.S. Case No.145/2019 corresponding to Special (NDPS) Case No.149/2019 on such terms and conditions to be fixed by the learned Sessions Judge-cum-Special Judge, Boudh as he deems just and proper including the condition that the Petitioner shall furnish two sureties out of which one shall be his relative and that, he shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender in the learned trial court on or before 20th April, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest against him.

7. The BLAPL is disposed of.

8. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge