

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.5246 OF 2022

Deepak

Petitioner

....
Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.K.Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

27.09.2022

Order No.

03.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with R. Udayagiri P.S. Case No.54 of 2020 corresponding to G.R. Case No.40 of 2020 pending on the file of learned Addl. Sessions Judge-cum-Special Judge, Gajapati, running for the commission of offence under section- 20(b)(ii)(C) /25/29 of the NDPS Act, in filing this application under Section 439 Cr.P.C. for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submits that this Petitioner with other four occupants of the vehicle as well as the person who was on the driver's seat had been arrested in the case on 11.08.2020 and since then this Petitioner is in custody, when others have in the meantime been released on bail. He, therefore, submits that when the trial has not made any substantial progress, further detention of the Petitioner is not warranted. He therefore, urges for reconsideration of the prayer for grant of bail to the Petitioner.
4. Learned counsel for the State opposes the move. According to him, the Petitioner being involved in transportation of commercial

quantity of ganja in view of the bar contained under Section-37 of the NDPS Act no case is made out for reconsideration of the prayer for grant of bail to the Petitioner.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner shall not indulge himself in commission of similar activities, while on bail.
2. shall not tamper with the prosecution evidence or shall not try to threaten or terrorize or influence the prosecution witnesses in any manner whatsoever;
3. shall 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 except under some exceptional circumstance to the satisfaction of the Court;
4. shall furnish his address along with the contact mobile number by way of affidavit and in case of any change, shall intimate the same in that way;
5. shall appear before the Inspector-in-Charge of Vidisha Deahat Police Station, in the District of Vidisha (Madhya Pradesh) every Monday in between 10 am to 2 pm for a period of next one year; and

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.