

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4395 of 2021

Laba Khillia

....

Petitioner

Mr. M. Padhy, Advocate

-versus-

State of Orissa

....

Opposite Party

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

07.02.2022

Order No.

07.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C) of the NDPS Act and Sec.25 of the Arms Act for alleged possession of contraband ganja weighing 1216 kg. 500 grams along with one pistol.
2. Heard Mr. M. Padhy, 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 despite the direction of this Court dated 07.12.2020 in the earlier bail application, i.e. BLAPL No.9339 of 2019 to complete the trial by end of November, 2021, the trial is still pending.
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 as the amount of contraband is admittedly attracting the commercial

quantity. The prayer for bail is rejected. Learned trial court is directed to complete the trial by end of November, 2022.

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 Machhkund P.S. Case No.57/2019 corresponding to T.R. Case No.24/2019 on such terms and conditions to be fixed by the learned Addl. Sessions Judge-cum-Special Judge, Koraput 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 the petitioner shall not be involved in any other offence while on bail.

6. It is made clear that the Petitioner shall surrender himself on or before 11th April, 2022 before the learned trial court, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest for apprehending the Petitioner.

7. The BLAPL is disposed of with the aforesaid directions.

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

(B.P. Routray)
Judge