

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5445 of 2022

Sastik Biswas

....

Petitioner

Mr. S. Mitra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.09.2022

Order No.

02.

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 2(a)C.C. No.3 of 2021, pending in the file of learned Sessions Judge cum Special Judge, Cuttack arising out of EI & EB Unit-2 Excise Cuttack P.R. Case No.130 of 2020, offence under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 18.01.2021.
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 04.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the co-accused one Parimal Mondal was released on bail by this Court by order dated 31.05.2022 in BLAPL No.4664 of 2022.

6. Learned counsel for the State opposes the prayer for bail inter alia relying on the bar contained under Section 37 of the NDPS Act and also that the petitioner being an outsider there is every likelihood of he is fleeing justice.

7. Taking into account the release of the co-accused and non-commencement of the trial, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally, it is directed that the petitioner shall furnish cash security of Rs.30,000/- (Rupees Thirty Thousand only) which shall be kept in short terms interest bearing account pledged to the Court and which shall abide by the outcome of the trial.

9. Taking into account that the petitioner does not belong to this State, one of the sureties shall be a local person.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge