

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5450 of 2022

Parsuram Sisa

....

Petitioner

Mr. Karunakar Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

06.09.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (physical/virtual) mode.
2. Learned counsel for the Petitioner files a Memo annexing copy of the order passed in T.R. Case No.10 of 2019 and order dated 25.04.2022 passed in BLAPL No.304 of 2022 in Court today, which is taken on record.
3. This the successive journey of the Petitioner, who is in custody in connection with Machhkund P.S. Case No.30 of 2019 corresponding to T.R. Case No.10 of 2019 on the file of the learned Additional Sessions Judge-cum-Special Judge, Koraput running for alleged commission of offence under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act in filing the petition under section 439, Cr.P.C. for his release on bail.
4. Learned counsel for the petitioner at the outset instead of pressing for reconsideration of the prayer for grant of regular bail to the Petitioner, confines the prayer for grant of interim bail and prays for disposal of the bail application accordingly. He submits that on the allegation that he was involved in

transportation of 400 kgs 800 grams of ganja, the Petitioner being arrested in the case is in custody since 08.06.2019. He further submits that co-accused, namely, Hari Krishna Sisa similarly situated with the Petitioner is now in custody after he has surrendered in court on expiry of the period of interim bail, which was granted to him. It is submitted that despite the long period of detention of the Petitioner in custody, the trial has made substantial progress and for that not only that the Petitioner is suffering but also his family members are facing great hardship and they are not in a position to continue further without the help of this Petitioner on whom they all depend. In view of the above, he urges for grant of interim bail to this Petitioner.

5. Learned counsel for the State opposes the move in view of the quantity of contraband involved in this case. According to him, this bail application has been filed annexing the same order of rejection of the prayer for grant of bail to the Petitioner by the Trial Court that had been annexed in the earlier move, it is not a fit case of grant of interim bail to the Petitioner. He, however, does not dispute the position that this Petitioner beign an outsider has been in custody sicne 08.06.2019 and that the trial has not made much of progress. He further submits that this Petitioner being arrested at the spot with co-accused Hari Krishna Sisa and there being seizure of huge quantity of ganja.

6. Considering the submissions and on going through the order dated 25.04.2022 passed by this Court in BLAPL No.804 of 2022 as also the certified copy of the order-sheet of the court below that co-accused has in the meantime surrendered after

expiry of the period of interim bail, this court inclined to grant interim bail to the Petitioner for a period of three months from the date of his actual release from custody on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he will appear in person before the trial court on the date fixed during the period; will during the period appear on every Monday in between 10 A.M. to 2 P.M. before the Inspector-in-Charge, of Vishakhapatnam Rural Police Station (Andhra Pradesh), will give his contact address and cell phone numbers by furnishing affidavit and in case of change shall so intimate by further affidavit before the court in seisin of the case and will surrender before the said court after expiry of the period of interim bail without fail.

7. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge