

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5193 OF 2021

Krushna Pradhan @ Kalia Pradhan

..... ***Petitioner***
Mr. B.K.Behera-1, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr.P.Mohapatra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
24.06.2022

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner is an accused in connection with G.R. Case No.41 of 2020 arising out of Golanthara P.S. Case No. 305 of 2021 pending on the file of learned Special Judge. Ganjam, Berhampur, registered for the alleged commission of offence under Sections 20(b)(ii)(C)/25&29 of the NDPS Act and u/s. 379/411 of the I.P.C..
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Special Judge. Ganjam, Berhampur, by order dated 12.05.2021, the present BLAPL has been filed. The petitioner is stated to be in custody since 27.10.2020.
5. Per contra, learned counsel for the State opposes the prayer for bail in view of the bar contained under Section 37 of the NDPS Act.

6. Taking note of the fact that though the petitioner is in custody since 27.10.2020, there is no progress in the trial, this Court in terms of the judgment of the Apex Court in the case of **Hussainara Khatoon & others Vrs. State of Bihar**, reported in (1980) 1 SCC 81 directs that the petitioner shall be released on bail. The terms shall be fixed by the learned court in seisin over the matter.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

(*V.Narasingh*)
Judge

Dhal

