

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 6315 of 2022**

***Aravind Ram***

....

***Petitioner***

Mr. B.P. Mohanty, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. P.K. Maharaj, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**07.09.2022**

**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 accused in Sambalpur GRPS Case No.27 of 2021 corresponding to T.R. Case No.35 of 2021, pending in the Court of learned Session Judge-cum-(Special Court), Sambalpur, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Session Judge-cum-(Special Court), Sambalpur, by order dated 15.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that though the petitioner is in custody since 07.10.2021, the trial has not commenced and relying on the dictum of the Apex Court in the case of **Hussainara Khatoon & Others Vrs. State of Bihar**, reported in **(1980) 1 SCC 81**, seeks release.

6. Learned counsel for the State opposes the prayer for bail and it is also stated that the petitioner being an outsider, there is every chance he fleeing justice for which the trial cannot take place.

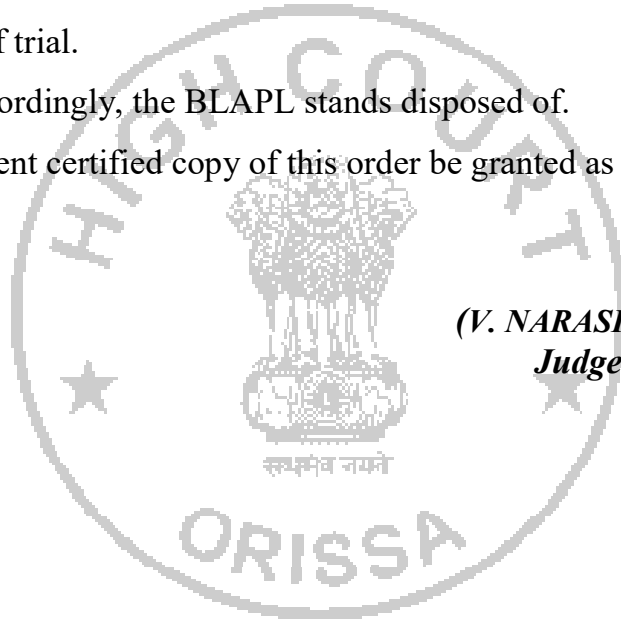
7. Taking into account the non commencement of trial, in terms of the spirit of the law laid down in the case of **Hussainara Khatoon** (Supra), this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. Additionally it is directed that one of the sureties shall be immediate member of the family and the petitioner shall appear before the jurisdictional police station once every month till conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

*Ayesha*



**(V. NARASINGH)**  
**Judge**