

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6397 of 2022

Kaira Majhi

....

Petitioner

Mr. J. Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
19.09.2022

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 Special Case (NDPS) No.42 of 2020, pending on the file of the learned Sessions Judge-cum-Special Judge, Boudh, arising out of Boudh P.S. Case No.234 of 2020, offences under Sections 20(b)(ii)(c) of the NDPS Act.
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, Boudh, by order dated 25.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the status report submitted by the learned Additional Sessions Judge-cum-Special Judge Boudh indicating inter alia that trial has not commenced.
6. Taking into account that the petitioner is in custody since 22.09.2020 and keeping in view the law laid down by the Apex Court in the Case of ***Hussainara Khatoon & Ors vs. State of Bihar***

reported in *(1980) 1 SCC 81*, this Court directs petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter so as to ensure his presence on each date of trial.

7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

