

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6549 of 2022

Chandra Pattnaik @ Chintu

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.08.2022

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 T.R. Case No.25 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Koraput, arising out of Machhakund P.S. Case No.16 of 2022 under Sections 20(b)(ii)C/29 of NDPS Act and is in custody since 09.02.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Spl. Judge, Koraput by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that in the meanwhile investigation has been concluded and charge sheet has

been filed on 07.08.2022, he and another Rugdhar Gunth has been charge sheeted in commission of the offence.

6. It is submitted that as reveal from the report of the prosecution that the petitioner is a victim of the circumstances and since the trial has not commenced, it is submitted that further continuance of the petitioner who is stated to be in custody since 09.02.2022 is unwarranted and more so since he has no criminal antecedent of similar nature.

7. Learned counsel for the State opposes the prayer for the bail inter alia relying on the bar contained under Section 37 of the NDPS Act.

8. Taking into account the filing of charge sheet and the manner in which the seizure has been affected and keeping in view that the trial has not commenced in view of 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.

9. While releasing the petitioner on bail learned Court shall verify regarding criminal antecedents and additionally it is directed the petitioner shall appear before the jurisdictional police station once in 15 days till the conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi