

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6559 of 2022

Artaballav Biswal

....

Petitioner

Mr. C. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.07.2022

Order No.

01.

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 C.T. Special NDPS Case No.4 of 2015, on the files of learned Additional District-cum-Special Judge, Talcher, arising out of P.R. Case No.17 of 2015-16, under Sections 20(b)(ii)/B of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Special Judge, Talcher, by order dated 02.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. By the impugned order dated 02/07.2022 the learned Special Judge, Talcher in C.T. (Special NDPS) Case No.4 of 2015

rejected the application for the petitioner for bail since violation of the conditions stipulated in terms of the order passed by this Court dated 09.10.2015 BLAPL No.5434 of 2015 inter alia directing him appear on each date of trial.

6. Learned counsel for the petitioner submits that as noted by the impugned order because of communication gap between the accused petitioner and his previous lawyer the petitioner could not appear on the date fixed.

7. And it is submitted that such non-appearance is for reason beyond his control and unintentional.

8. Taking into account the submission of the learned counsel for the petitioner, this Court directs the 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 and additionally it shall be stipulated one of the sureties shall be immediate family member.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi