

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5804 of 2021

Pritam Nayak

....

Petitioner

Mr. A.P. Bose, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.N. Mishra, Additional Government Advocate

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

9.3.2022

Order No.

03.

1. Heard Mr. A.P. Bose, learned counsel for the Petitioner and Mr. S.N. Mishra, learned Additional Government Advocate.

2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Pritam Nayak in connection with Mohana P.S. Case No.76 of 2019 corresponding to G.R. Case No.36 of 2019 pending in the court of learned Special Judge, Gajapati, Paralakhemundi for alleged commission of offence under Section 20(b)(ii)(c)/25/29 of N.D.P.S. Act for alleged possession of contraband ganja weighing about 77 kg. 400 grams.

3. It is submitted on behalf of the Petitioner that he is inside custody since 2nd May, 2019 and in the meantime four other co-accused persons have been released on bail by this Court in different bail applications. It is further submitted that the trial has not commenced yet though he is in custody for a considerable period.

4. Perusal of the orders passed by this Court in different bail applications granting bail to some other co-accused persons does not

reveal that the provisions under Section 37(1)(b) of NDPS Act has not been dealt with. As such the Petitioner can not claim any parity on the basis of those orders.

5. Upon hearing Mr. Mishra, learned Additional Government Advocate for State and keeping in view the total quantity of contraband ganja and the embargo contained under Section 37(1)(b) of NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

6. However, considering the long detention of the Petitioner inside custody and the fact that the trial has not commenced yet, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioner shall furnish two sureties out of whom one shall be his relative and that, the Petitioner shall not be involved in any other offence while on bail.

7. It is made clear that the Petitioner shall surrender himself on or before 20th June, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

8. The BLAPL is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge