

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6841 of 2022

Purushoti Hantal

....

Petitioner

Mr. S. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

Order No.

03.

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 connection with T.R. Case No.12 of 2022, pending in the Court of the learned District & Sessions Judge, Koraput-Jeypore, arising out of Jeypore Sadar P.S. Case No.74 of 2022, 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 Special Judge, Koraput-Jeypore, by order dated 23.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 12.03.2022 and charge-sheet has been filed on 20.08.2022 and the trial has not commenced.

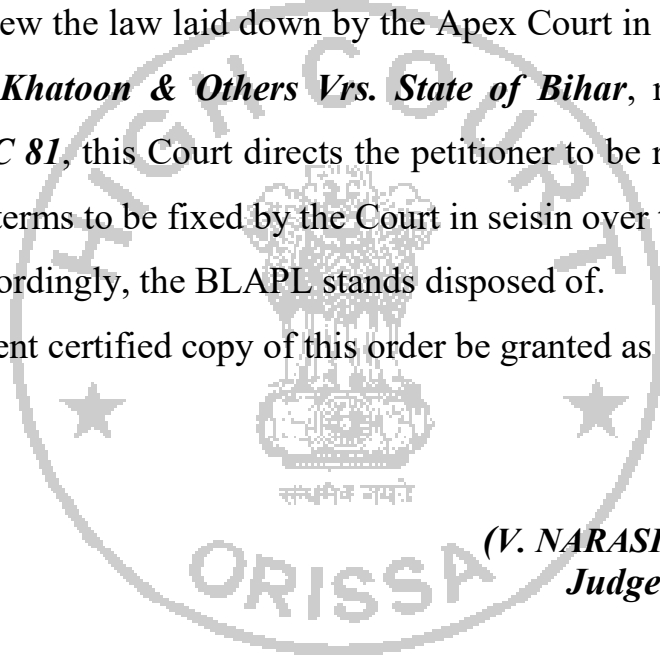
6. It is further stated that the petitioner is the first offender and as he lives within the territorial jurisdiction of the Court in seisin, there is no chance of his fleeing justice. Hence, the petitioner seeks release.

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

8. Taking into account the non commencement of trial and the petitioner is the first offender and the age of the petitioner and keeping in view the law laid down by the Apex Court in the case of *Hussainara Khatoon & Others Vrs. State of Bihar*, reported in *(1980) 1 SCC 81*, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Ayesha