

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.6866 OF 2022

Anil Kumar Sahu

.... ***Petitioner***
Mr. R. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S. Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

26.09.2022

Order No.

01.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.

2. This is the second journey of the Petitioner, who is in custody in connection with S.T.F. Bhubaneswar P.S. Case No.7 of 2015 corresponding to G.R. Case No.71 of 2015 pending on the file of learned Addl. Sessions Judge, Phulbani, Kandhamal, running for the alleged commission of offence under section-20(b)(iii)(c)/29 of the NDPS Act, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.

3. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case on the allegation that he was involved in transportation of 83.630 kgs of ganja in a vehicle, is in custody since 22.06.2015 and the trial is yet to complete. He further submits that beside the Petitioner, other accused persons were also there in the said vehicle, who were arrested and some are said to have fled away soon after the interception. It is submitted that due to such long detention of the Petitioner in custody, not only that the Petitioner but also his family members are suffering and the situation has now become such that the members of the family who depend upon him are no more in a position to continue without the help and support of the Petitioner. In view of all these above; when there remains no scope on the part of the Petitioner to

flee from justice and the question of tampering the evidence at this stage does not arise, he urges for reconsideration of the prayer for grant of bail to this Petitioner, as according to him, at this stage, the bar contained under section-37 of the NDPS Act does not stand on the way of grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the quantity of the contraband seized. He, however, does not dispute the position that the Petitioner being arrested in the case is in custody since 22.06.2015.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner as also the surrounding circumstances and the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting the case till conclusion of the trial;
2. will appear in person before the IIC, STF Bhubaneswar P.S. every Monday in between 10 am to 2 pm till conclusion of the trial; and
3. will not indulge himself in commission of similar type of offences.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**