

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7065 of 2022

Firoz @ Salman Majhi* *Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
28.10.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Adava P.S. Case No.80 of 2020 corresponding to G.R. Case No.51 of 2020 pending in the Court of learned Special Judge, Gajapati at Paralakhemundi for offences punishable under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

The prayer for bail of the petitioner was rejected by the learned Additional Sessions Judge -cum- Special Judge, Paralakhemundi vide order dated 19.07.2022.

The learned counsel for the State has produced written instruction received from the Inspector in-charge of Adava police station in the district of Gajapati from which it appears that the petitioner has got two criminal antecedents and both the cases are under section 20(b)(ii)(C) of the N.D.P.S. Act. It further reveals that another case is also pending against the petitioner which is also under section 20(b)(ii)(C) of the N.D.P.S. Act. The written instruction is taken on record.

Learned counsel for the petitioner submitted that in all those three cases, the petitioner has been granted bail and he produced the copy of the bail order passed in connection with Gudari P.S. Case No.38 of 2020 and further submitted that the bail orders of the petitioner in Mohana P.S. Case No.120 of 2020 and Mohana P.S. Case No.144 of 2020 are available in the records of BLAPL No.10594 of 2021.

Learned counsel for the petitioner further submitted that in connection with this case, the petitioner was taken into judicial custody since 15.12.2020 and one witness has been examined in the trial Court out of nineteen charge sheet witnesses and therefore, the petitioner may be granted interim bail in view of delay in disposal in the trial.

The status report dated 29.09.2022 submitted by the learned trial Court also indicates about

examination of only one witness out of nineteen charge sheet witnesses.

Considering the submissions made by the learned counsel for the respective parties, since this is the fourth case against the petitioner under section 20(b)(ii)(C) of the N.D.P.S. Act and the petitioner has released on bail in three cases and though the learned counsel for the petitioner submitted that the petitioner's implication in the case is based on the confessional statement of co-accused before police but in view of the criminal background and particularly, the quantity of ganja seized, I am not inclined to release the petitioner on bail. The prayer for bail stands rejected.

Accordingly, the BLAPL stands dismissed.

Urgent certified copy of this order be granted on proper application.



(S.K. Sahoo)
Judge