

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6268 of 2021

Trinath Sagaria

....

Petitioner

Mr. Bhabani Prasad Pradhan, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

31.3.2022

Order No.

01.

1. Heard Mr. B.P. Pradhan, learned counsel for the Petitioner and Ms. S. Mishra, learned Additional Standing Counsel (ASC) for State.

2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Trinath Sagaria in connection with Machhakund P.S. Case No.82 of 2019 corresponding to T.R. Case No.43 of 2019 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Koraput for alleged commission of offence under Section 20(b)(ii)(C)/29 of N.D.P.S. Act for alleged possession of contraband ganja weighing 61 kg. 500 grams.

3. It is submitted on behalf of the Petitioner that he is inside custody since 19th December, 2019 and in the meantime though charge-sheet has been submitted since long but no witness could be examined till date.

4. Upon hearing Ms. Mishra, learned Additional Standing Counsel 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.

5. However, considering the long detention of the Petitioner inside custody and the delay in commencing the trial, 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 not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender himself on or before 4th July, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

7. The BLAPL is accordingly disposed of.

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

(B.P. Routray)
Judge