

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.7911 OF 2019

Susil Oram

.... ***Petitioner***
Chandan Mishra, Advocate

-versus-

State of Odisha

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

CORAM:
MR. JUSTICE D.DASH

ORDER
26.09.2022

Order No.

04.

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 Phiringia P.S. Case No.69 of 2018 corresponding to C.T. Case No.34 of 2018 pending on the file of learned Additional Sessions Judge-cum-Special Judge, Phulbani, running for the alleged commission of offence under Section-20(b)(ii)(C) of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail in the above mentioned case.
3. Learned Counsel for the Petitioner submits that on the allegation that this Petitioner was involved in transportation of 120 Kgs. 700 grams of ganja, he being arrested in the case is in custody since 24.09.2018. He further submits that despite such long period of detention of the Petitioner in custody, the trial is yet to conclude and for this not only the Petitioner but also all his family members are suffering and as they depend on the

Petitioner, they are no more in a position to continue without the help of this Petitioner. He further submits that co-accused namely, Nabaghana Kahanr and Bhupeswar Ram Yadav have in the meantime been released on bail and this Petitioner as the driver of the vehicle having acted under the direction of his employer, has been the victim under the circumstance and languishing in jail. In view of all these above, he urges for reconsideration of the prayer for grant of bail to the 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 seizure of quantity of contraband ganja from the possession of the Petitioner.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, 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. he shall furnish his address along with the contact mobile number by way of affidavit and in case of any change, shall intimate the same in that way;
2. shall appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial except under

some exceptional circumstance to the satisfaction of the Court; and

3. shall appear before the Inspector-in-Charge of Laihunga Police Station in the District of Raigarh (Chhattisgarh) every Monday in between 10 am to 2 pm for a period of next one year.

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.**

H