

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7613 of 2022

Pritam Nayak

.... ***Petitioner***

Mr. A.P. Bose, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

9.12.2022

Order No.

- 02.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. A.P. Bose, learned counsel for the Petitioner and Mr. K.K. Das, learned Additional Standing Counsel.
 3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Pritam Nayak in connection with Mohana P.S. Case No.76 of 2019 corresponding to G.R. Case No.36 of 2019 pending in the court of learned Special Judge-cum-Additional Sessions Judge, Gajapati, Paralakhemundi for alleged commission of offences under Section 20(b)(ii)(C)/25/29 of N.D.P.S. Act for alleged possession of contraband ganja weighing about 77 kg. 400 grams.
 4. It is submitted on behalf of the Petitioner that he is inside custody since 2nd May, 2019 and till date trial has not commenced.
 5. Upon hearing Mr. Das, learned Additional Government Advocate 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.

6. It needs to be mentioned here that, taking into account the submission of Mr. Bose regarding delay in commencement of trial, a report was called from the trial court. Learned Additional Sessions Judge -cum- Special Judge, Paralakhemundi in his letter dated 23rd November, 2022 has stated that, charge was framed only on 15th November, 2022 and till date no witness has been examined.

7. So, considering 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 further 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 furnish two sureties (with proper identity proof), out of whom one shall be his relative, and that, he shall not be involved in any other offence while on bail and shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence.

8. It is made clear that the Petitioner shall surrender on or before 14th March, 2023, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

9. The BLAPL is accordingly disposed of.

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

(B.P. Routray)
Judge