

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7755 of 2022

Piklu Biswas and others

....

Petitioners

Mr. S.K. Dwibedi, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K. Das, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

18.10.2022

Order No.

02.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C)/25/29 of the NDPS Act for alleged possession of contraband ganja weighing 60 kg. 850 grams.

2. Heard Mr. S.K. Dwibedi, learned counsel for the Petitioners as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party.

3. It is submitted on behalf of the Petitioners that they are inside custody since 4.10.2019 and till date, the trial is pending despite earlier direction of this Court dated 19.3.2021 passed in BLAPL No.9359 of 2020 to complete the same expeditiously by end of September, 2021.

4. A report was called for from the learned trial court in this regard. It is seen from the report of the learned trial court dated 15.10.2022 that only six witnesses out of 18 charge-sheeted witnesses have been examined till date and the case is now posted to 3.11.2022 for further evidence of other witnesses. It is further mentioned that due to non-attendance of official witnesses, the trial is delayed.

5. After hearing Mr. K. Das, learned Additional Standing Counsel for the State-Opposite Party, I am not inclined to release the Petitioners on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act. The prayer for bail is rejected.

6. But considering long period of detention of the Petitioners inside custody and slow progress in trial, it is directed to release the Petitioners on interim bail for a further period of two months from the date of their release in connection with Balliguda P.S. Case No.130/2019 corresponding to C.T. Case No.107/2019 on such terms and conditions to be fixed by learned Addl. Sessions Judge-cum-Special Judge, Balliguda as he deems just and proper including the condition that the Petitioners shall furnish two sureties (with proper identity proof) out of which one shall be their relatives and that, they shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

7. It is made clear that the Petitioners shall surrender in the trial court on or before 21st December, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend them.

8. The BLAPL is disposed of.

9. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge