

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6862 of 2021& I.A No.270 of 2022

Tarjan Lima

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
22.03.2022**

**Order
No.**

06.

1. This matter is taken up through Hybrid mode.

2. Heard.

3. The Petitioner being in custody in C.T Case No.18 of 2018, arising out of Gudari P.S. Case No.28 of 2018 pending in the court of Addl. Sessions Judge-cum-Special Judge, Gunupur has filed this petition for his release on bail. The offence alleged against the Petitioner is punishable under Section 20(b)(ii)(C) of the N.D.P.S Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is inside the custody for more than two and half years and the trial has not yet commenced and as such he has prayed for release of the Petitioner on the ground that the co-accused has already been released on bail.

5. Considering the aforesaid facts and the submissions made, this Court is not inclined to release the Petitioner on bail on the aforesaid ground inasmuch as in the said order of the co-accused, Section 37(1)(b) of the N.D.P.S Act stated to have not been addressed before release as stated by the learned counsel for the State, which is not disputed by the learned counsel for the Petitioner. However, considering the fact that the Petitioner is inside the custody for more than two and half years and the co-accused has already been released on bail and the trial has not yet commenced, it is directed that the Petitioner be released on interim bail for a period of 120 days from the date of his release in connection with the aforesaid case on such terms and conditions as the court in seisin over the matter may deem it just and proper to ensure his return to custody on the 121st day of his release. The surrender certificate must be produced by the learned counsel for the Petitioner on 125th day of his release.

6. With the aforesaid order, this BLAPL as well as I.A stands disposed of.

7. Urgent certified copy of this order be granted in course of the day.

(S. Pujahari)
Judge