

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7905 of 2022

Manoj Kumar Nayak

....

Petitioner

Mr. SK. Zafarulla, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakara Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in C.T. (Special) NDPS Case No.03 of 2021 pending in the file of learned Judge, Special Court Dhenkanal, arising out of Dhenkanal Town P.S. Case No.75 of 2021, offence under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 10.02.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Judge, Special Court Dhenkanal by order dated 20.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that in terms of the earlier order of this Court dated 25.03.2022 the trial has not been concluded hence this application.
6. It is further submitted that in the meanwhile P.Ws.2 and 3 who have been examined as independent witnesses of the seizure

have not supported the prosecution. The statement of witnesses P.Ws.1,2 and 3 is taken on record.

7. Considering that the petitioner is in custody since 10.02.2021 and that independent witnesses have resiled and taking note of the submission of the learned counsel for the petitioner that petitioner does not have any antecedents, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally it is directed that the petitioner shall not leave jurisdiction of the Court in seisin over the matter without its express permission and shall appear on each date of trial before the jurisdictional police station once every week till the conclusion of trial. Violation of any of the conditions shall entail the cancellation of bail.

9. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi