

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7937 of 2022

Mangulu Swain & Another

Petitioner

Ms. P. Naidu, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in 2(a) C.C. No.09 of 2013(N) arising out of P.R. Case No.50 of 2012-13 dated 11.02.2013 of S.I of Excise, Gopalpur Charge, pending in the Court of learned 3rd Additional Sessions Judge, Ganjam, Berhampur, for offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 3rd Additional District & Sessions Judge, Berhampur, by order dated 08.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that the petitioners were released on bail by this Court by order dated 02.12.2013 in BLAPL No.7765 of 2013. Because of their non appearance on the date fixed the Court in seisin issued NBW pursuant to which the petitioners have surrendered on 26.10.2021.

6. It is submitted by the learned counsel for the petitioners that the reason for non appearance on the date fixed was because of supervening circumstances and it was not willful.

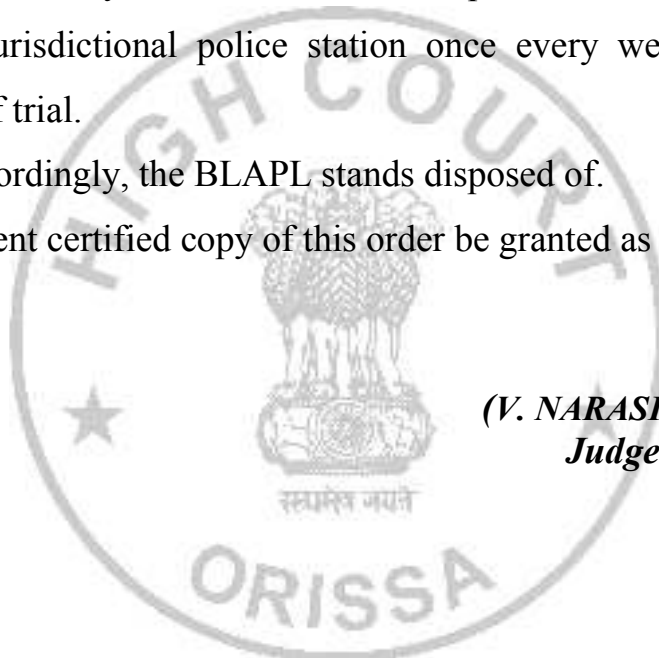
7. Taking note of the same and keeping in view that the petitioners surrendered on the date fixed as noted above and earlier release on bail and non commencement of trial as stated by the learned counsel for the petitioners, this Court directs the petitioners to be released on bail, learned Court to fix the terms to ensure their presence as earlier directed.

8. Additionally it is directed that the petitioners shall appear before the jurisdictional police station once every week till the conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

Ayesha



(V. NARASINGH)
Judge