

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6925 of 2021

Maheswar Parida

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Rath, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

11.01.2022

Order No.

I.A. No.1331 of 2021

01.

1. This matter is taken up through video conferencing.

2. Learned counsel for the Petitioner does not want to press this I.A.

3. Accordingly, the I.A. is dismissed as not pressed.

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4. This is an application under Sec.439 Cr.P.C. for bail and the offence alleged is under Sec.21(c) of the NDPS Act for alleged possession of 450 grams of brown sugar (heroin).

5. Heard Mr. A.R. Panda, learned counsel for the Petitioner as well as Mr. A. Rath, learned A.S.C. for the State-Opposite Party.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is inside custody since 30.1.2018 and despite earlier

directions of this Court to conclude the trial expeditiously, the same is pending till date awaiting for examination of the I.O. It is further submitted that the trial has not progressed for last two years.

7. After hearing learned A.S.C. for the State-Opposite Party and considering the quantity of seized contraband brown sugar which attracts commercial quantity, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act. The prayer for bail is rejected.

8. However considering the age of the Petitioner and his period of detention inside custody and the delay in completion of trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release in connection with Excise E.I. & E.B., Unit-II, Cuttack, P.R. No.191/2017-18 corresponding to 2(a) CC Case No.10 of 2018 on such terms and conditions to be fixed by the learned 2nd Addl. Sessions Judge, Cuttack as he deems just and proper including the condition that the Petitioner shall furnish two sureties out of which one shall be his relative, and the petitioner shall not involved in any other offence while on bail.

9. It is made clear that learned trial court is at liberty to take all steps for apprehending the Petitioner in case he fails to surrender on the date so fixed by the learned trial court upon his release on interim bail.

10. The BLAPL is disposed of with the aforesaid directions.

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo No.514, dated 7th January, 2022.

(*B.P. Routray*)
Judge

