

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7952 of 2022

Mithun Maharana

....

Petitioner

Mr. B.S. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with G.R. Case No.34 of 2019(N), pending in the file of learned 3rd Additional District & Sessions Judge, Berhampur, Ganjam, arising out of Berhampur GRPS Case No.79 dated 23.09.2019, for commission of offences under Section 20(b)(ii)(C) of the N.D.P.S. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhanjanagar, by order dated 16.05.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that earlier the petitioner was released on bail for a period of 90 (Ninety) days as per order passed by this Court in BLAPL No.6247 of 2021 by order dated 08.04.2022 but because of supervening circumstances, he

could not surrender on the date fixed for which he has been taken into custody on execution of NBW, hence learned counsel for the petitioner submits that there are no willful latches or negligence in not surrendering at the time prescribed, hence the petitioner may be released on bail notwithstanding commencement of the trial.

6. Learned counsel for the State submits that the petitioner having misused the trust reposed to him, he is not entitled to any discretionary relief.

7. On a conspectus materials on record, taking into account the nature of allegations, quantity of contraband seized being to the tune of 20Kg and the age of the petitioner, this Court directs the petitioner to be released on bail. Learned Court in seisin over the matter shall fix the terms so as to ensure the presence of the petitioner on each date of trial.

8. Additionally it is directed that one of the sureties shall be immediate member of the family.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha