

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8265 of 2022

Pratap Behera

....

Petitioner

Mr. A.K. Mishra 3, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
16.09.2022

Order No.

02.

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 accused in T.R. Case No.37 of 2018 corresponding to SPL G.R. Case No.06 of 2018, pending in the file of the learned Special Judge cum Sessions Judge, Nayagarh, for the alleged commission of offences under Section 20(b)(ii)(B) of NDPS Act.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge cum Special Judge, Nayagarh, by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that he was released on bail by the Court in seisin over the matter by order dated 13.02.2018 before submission of charge sheet. Since the petitioner did not respond to notice issued after submission of

charge sheet. The learned Court issued NBW pursuant to which the present petitioner was taken into custody on 06.07.2022.

6. It is submitted that non appearance pursuant to the notice issued was on account of supervening circumstances and there are no willful laches and negligence. Hence it is submitted that he be released on bail since the contraband is less than commercial quantity.

7. Learned counsel for the State referring to the order of rejection submits that the concern of the learned Court in seisin over the matter is genuine as the trial of this case is likely to commence soon and because of the conduct no trust can be reposed in the petitioner.

8. Taking into account the circumstances in which the petitioner was remanded to custody on 06.07.2022, 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.

9. Additionally it is directed that one of the sureties shall be immediate member of the family and the petitioner shall appear before the jurisdiction police station once every week till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi