

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7225 of 2020

Apola Raika

.... ***Petitioner***
Mr. R.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

20.12.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Padmapur P.S. Case No.14 of 2018 corresponding to C.T. Case No.8 of 2018 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Gunupur for offence punishable under sections 20(b)(ii)(C) of the N.D.P.S. Act in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 08.02.2018 and as yet the trial has not been concluded and the case having been posted to 10.11.2022 and 11.11.2022 for examination of four witnesses, since none of them appeared, the case has been fixed to 05.01.2023 and 06.01.2023. In view of all these above and, as according to him, the bar contained under section 37 of the N.D.P.S. Act does not stand on the way, he urges for reconsideration of the prayer for grant of bail to the Petitioner.
4. Learned counsel for the State opposes the move in view of the quantity of contraband involved. He, however, does not dispute the position that the Petitioner being in custody since 08.02.2018, the trial is still going on.
5. Considering the submissions made: further keeping in view the materials on record as those stand against the petitioner with other

surrounding circumstances including the period of detention of the petitioner in custody and the fact that even after such a long period, the trial is yet to conclude; while being inclined to reconsider the prayer for bail of this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of trial; will appear in person before the IIC, Padmapur P.S. every Monday in between 10 am to 2 pm till conclusion of the trial; will not indulge himself in commission of similar activity and will not leave the jurisdiction of the Court without prior permission.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge

