

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8843 of 2022

Vijendra Kumar

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
01.11.2022

Order No.

03.

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 an accused in connection with T.R. Case No.42 of 2020, pending in the file of the learned Sessions Judge - cum- Special Judge, Koraput, arising out of Machhakund P.S. Case No.68 of 2020, for alleged commission of offences under Sections 20(b)(ii)(C)/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge- cum- Special Judge, Koraput, by order dated 21.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused similarly circumstanced has been released on bail by

this Court by order dated 29.08.2022 in BLAPL No.4717 of 2021. Hence, on the ground of parity, the petitioner seeks release.

6. It is submitted that the petitioner is in custody since 25.07.2020 and trial has not commenced.

7. Perused the report submitted by the Court in seisin which substantiates the contention of the learned counsel for the petitioner regarding the status of the trial.

8. Considering that the petitioner is in custody for more than 2 years and the tardy progress in trial and keeping in view the law laid down by the Apex Court in the in case of ***Hussainara Khatoon & Others Vrs. State of Bihar***, reported in ***(1980) 1 SCC 81***, in which speedy trial has been treated to be a facet of fundamental right of an accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter to ensure the presence of the petitioner on each date of trial.

9. While releasing the petitioner on bail the learned Court below shall verify criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha