

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8970 of 2022

Jayaram Muduli

....

Petitioner

Mr. V. Kar, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.09.2022

Order No.

01.

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 Special G.R. Case No.39 of 2021, pending in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Mathili P.S. Case No.43 of 2021, for offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Malkangiri, by order dated 29.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. This is the second journey of the petitioner to this Court.
6. This Court reposing trust in the petitioner by order dated 23.03.2022 had directed his release on interim bail in BLAPL No.3724 of 2021 and the same was extended by order dated 18.04.2022. But unfortunately the petitioner betrayed the trust

reposed in him and in terms of the order passed on 28.07.2022 in the said BLAPL, the Superintendent of police, Malkangiri took steps to commit the petitioner to custody.

7. Assailing the order of rejection, after being taken into custody for violating the interim order passed by this Court, the petitioner has moved this present bail application.

8. Section 37 of the NDPS Act mandates that while releasing an accused on bail, the Court must be prima facie satisfied that he must not be involved in offence and that on being released, he shall not commit similar offences.

9. From the conduct of the petitioner as noted and on consideration of materials on record, it is clear that he cannot pass both the tests. Hence, this Court is **not inclined** to consider the bail application, notwithstanding the prayer of the learned counsel for the petitioner to withdraw the bail application.

10. This Court places on record its appreciation for the Superintendent of Police, Malkangiri for taking the petitioner into custody in terms of its earlier order and the same be communicated to the concerned police officer by the Registry.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule if applied for.

(V. NARASINGH)
Judge

Ayesha