

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 9136 of 2022**

***Manoj @ Manoj Kumar Panda*** ....

***Petitioner***

Mr. M.K. Chand, Advocate

*-versus-*

***State of Orissa***

....

***Opposite Party***

Mr. A. Pradhan, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**28.09.2022**

**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 G.R. Case No.20 of 2022 (N), pending in the file of learned Sessions Judge-cum- Special Judge, Ganjam, Berhampur, arising out of Bada Bazar P.S. Case No.55 of 2022, for offences under Section 20(b)(ii)(C)/25 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, Berhampur, by order dated 16.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that though the seizure of contraband was to the tune of 23kg 935gms, with oblique motive the seizure has been shown of 45kg 350gms, making the petitioner also liable for two bags being independently carried in a motor cycle and weighing additionally 21kg.

6. It is further submitted by the learned counsel for the petitioner that though the petitioner is in custody since 02.06.2022 and as charge-sheet has already been filed, further continuance of the petitioner in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground of the Bar contained under Section 37 of NDPS Act.

8. Considering the filing of charge-sheet and being cognizant of the fact that there is bleak chance of commencement of trial within a reasonable period, keeping in view the pendency of Court in seisin over the matter, the petitioner being a local resident, 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 the petitioner shall appear before the jurisdictional 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**

*Ayesha*