

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8218 of 2021

Hadibandhu Das@Narayan

.... Petitioner

Ms. B. Sahu, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. A. Rath, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

07.02.2022

Order No.

03.

1. This is an application under Sec.439 Cr.P.C. for bail and the offence alleged is under Sec.20(b)(ii)(C) of the NDPS Act for alleged possession of contraband ganja weighing 34.9 kg.

2. Heard Ms. B. Sahu, learned counsel for the Petitioner as well as Mr. A. Rath, learned A.S.C. for the State-Opposite Party.

3. Upon hearing, it reveals that the prayer for bail of the Petitioner was earlier rejected by this Court in BLAPL No.647 of 2021 by order dated 09.07.2021.

4. It is submitted that though the Petitioner is inside custody since 26.12.2020, the trial has not been completed yet and only two witnesses were examined.

5. After hearing learned A.S.C. for the State-Opposite Party, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act as the

amount of contraband is admittedly attracting the commercial quantity. The prayer for bail is rejected.

6. However keeping in view the long period of detention of the Petitioner inside custody and slow progress of trial, it is directed to release the Petitioner on interim bail for a period of two months from the date of his release in connection with Karanjia P.S. Case No.267/2020 corresponding to G.R. Case No.115/2020 on such terms and conditions to be fixed by the learned Sessions Judge-cum-Special Judge, Mayurbhanj as he deems just and proper.

7. It is made clear that the Petitioner shall surrender himself on or before 11th April, 2022 before the learned trial court, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest for apprehending the Petitioner.

8. The BLAPL is disposed of with aforesaid directions.

9. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge