

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.8306 OF 2021

Purna Chandra Dey

.... ***Petitioner***
Mr. D. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. G.N. Rout, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

29.04.2022

Order No.

01.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.

2. This is the second journey of the Petitioner, who is in custody in connection with P.R. No.09 of 2019-20 corresponding to Special G.R. Case No.36 of 2019 arising out of T.R. Case No.31 of 2019 pending on the file of learned Special Judge, Puri, running for the alleged commission of offence under section 20(b)(ii)(C)/25/29 of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail.

3. Learned Counsel for the Petitioner submits that on the allegation that the Petitioner being in occupation house wherefrom contraband ganja of 150 kgs. has been recovered; he has been in custody since 19.04.2019 and the trial has not made any such noticeable progress. It is also submitted that no such material has been collected that this Petitioner was the sole occupant of the house in question and it is stated that this Petitioner at the time of raid was attempting to conceal the bags. He further submits that the Petitioner being the permanent resident of the district of Puri, there remains no scope on the part of the Petitioner to flee from justice and the question of tampering the evidence in the case also does not arise as most of the witnesses are officials. In view of all these above; he urges for

reconsideration of the prayer for grant of bail to the Petitioner as according to him, the bar contained under section-37 of the NDPS Act at this stage does not stand on the way of grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move in view of the quantity of contraband ganja said to have been seized from the possession of the Petitioner. He however is not in a position to controvert the submission of the learned Counsel for the Petitioner that despite the fact that the Petitioner has been in custody from 19.04.2019, the trial has not yet been completed.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting the case till conclusion of the trial;
2. will appear before the Inspector of Excise, Puri on first Monday of every month in between 10 am to 2 pm till conclusion of the trial; and
3. will not indulge himself in commission of similar type of offences.

Violation of any of the condition(s) shall entail cancellation of bail.

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

**(D. Dash),
Judge.**