

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8647 of 2021

Philip Lima

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Das, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

03.03.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C)/29 of the NDPS Act for alleged possession of contraband ganja weighing 90 kg. 300 grams.

2. Heard Mr. A.R. Panda, learned counsel for the Petitioner as well as Mr. K.K. Das, learned A.S.C. for the State-Opposite Party.

3. It is submitted by learned counsel for the Petitioner that though the Petitioner is inside custody since 15.3.2019 and this Court vide order dated 01.02.2021 in BLAPL No.4274 of 2019 has directed for expeditious completion of trial, the same has not yet completed and only six witnesses have been examined in the meantime.

4. 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. The prayer for bail is rejected.

5. However considering 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 three months from the date of his release in connection with Bissamcuttack P.S. Case No.30/2019 corresponding to C.T. Case No.26/2019 on such terms and conditions to be fixed by the learned Sessions Judge, Gunupur as he deems just and proper including the condition that the Petitioner shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender in the learned trial court on or before 20th June, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend him.

7. The BLAPL is disposed of.

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

(B.P. Routray)
Judge