

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9609 of 2022

Brij Mohan Gupta

.... ***Petitioner***
Mr.B.R.Tripathy, Advocate

-versus-

Union of India (NCB)

.... ***Opposite Party***
Mr.G.Mohanty, CGC

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
30.11.2022

Order No.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Tripathy, learned counsel for the Petitioner and Mr.Mohanty, learned Central Government Counsel for Union of India – Opposite Party (NCB).
3. This is an application under Section 439 Cr.P.C. and the offences alleged are under Sections 20(b)(ii)(C)/25/28/29 of the N.D.P.S. Act for alleged possession of contraband ganja weighing 1075 Kgs..
4. Upon hearing both parties, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the N.D.P.S. Act,
5. Accordingly, the prayer for bail is rejected.

6. It is submitted that though the Petitioner is inside custody since 28th May, 2019, but trial has not yet completed.

7. Thus considering the long detention of the Petitioner inside custody and delay in completion of trial, it is directed to release the Petitioner on interim bail in NCB Crime No. 03/NCB/BBSR/2019 corresponding to T.R.No.21/2019 pending before the learned Sessions-Cum-Special Judge, Rayagada for a period of three months from the date of his release on such terms and conditions as the learned Sessions-Cum-Special Judge may deem fit and proper, including the conditions that the Petitioner shall furnish two sureties (with proper identity proof) out of which one shall be his relative and that, the Petitioner shall not be involved in any other offence while on interim bail and he shall attend the trial court on each date fixed.

8. It is made clear that the Petitioner shall surrender before the court below on or before 3rd March, 2023, failing which learned court below shall take all necessary steps including issuance of NBW of arrest to apprehend him.

9. The bail application is disposed of.

10. Urgent certified copy of this order be granted in course of the day.

(B.P. Routray)
Judge

