

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8704 of 2021

Deepak Yadav

.... Petitioner

Mr. R.N. Biswal, Advocate

-versus-

State of Orissa

.... Opposite Party

Mr. P.K. Mohanty, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

25.04.2022

Order No.

02.

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 and transporting of contraband ganja weighing 66 kg.

2. Heard Mr. R.N. Biswal, learned counsel for the Petitioner as well as Mr. P.K. Mohanty, learned A.S.C. for the State-Opposite Party.

3. 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.

4. However, it is submitted on behalf of the Petitioner that he is inside custody since 28.8.2019 and despite earlier directions of this Court dated 05.03.2021 in BLAPL No.5525/2020 to complete the trial by end of August, 2021, till date one witness could be examined only.

5. Thus considering long period of detention of the Petitioner inside custody and the delay in commencement 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 P.R. No.28/2019 of Inspector of Excise, EI & EB (SD), Berhampur corresponding to 2(a) CC No.18/2019-N on such terms and conditions to be fixed by learned 1st Addl. Sessions Judge-cum-Special Judge, Berhampur, Ganjam as he deems just and proper including the condition that the Petitioner shall furnish two sureties (with proper identity proof) out of which one shall be his relative and that, he 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 trial court on or before 28th July, 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