

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 2838 of 2022

1.Krushna Prasad Padhan
2.Jagat Bramhania

....

Petitioners

Mr. Jitendra Samantaray, Adv
On behalf of Mr. S.K. Pradhan, Adv
Versus

State of Odisha

....

Opposite Party
Mrs. S. Pattanaik,
AGA

CORAM:
JUSTICE SAVITRI RATHO

ORDER

11.11.2022

Order No.

01.

(Through hybrid mode)

1. This application under Section 482 Cr.P.C. has been filed challenging the order dated 20.09.2022 passed in T.R. Case No. 27 of 2012 of 2015-16 by the learned Additional Session Judge, Rairakhol issuing NBW of arrest against the petitioners in a case under Section 20(b)(ii)(B) of the NDPS Act, where the petitioners are alleged to have been in possession of 5.3kgs of Ganja. Pursuant to order dated 15.05.2013 passed by the learned Sessions Judge-cum-Judge (Spl) Court, Sambalpur, the petitioners had been released on bail and they were appearing in the said case/steps who have been taken on their behalf till 20.09.2022. But on 20.09.2022 though an application under Section 317 Cr.P.C. along with a petition praying for time for consideration of charge had been filed on their behalf by their counsel, but the petitions were rejected on the ground that it is an year old case and was lingering at the stage of charge since 05.02.2016.

2. Although I find no illegality in the impugned order but in view of the submission of the learned counsel for the petitioners that it is their

first default and the petitioners are ready and willing to appear before the trial court and participate in the trial it is directed that if the petitioners surrender before the said court by 02.12.2022 and file an application for bail, the learned trial court shall release them on bail on such terms and conditions as deemed just and proper.

3. Urgent certified copy of the order be granted on proper application.

.....
(Savitri Ratho)
Judge

Sangram

