

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9930 of 2022

Tanu@Tanmaya Kumar Bhuyan

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opposite Party

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

06.12.2022

Order No.

02.

1. Heard Mr. A.R. Panda, learned counsel for the Petitioner as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party.
2. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.21(c)/29 of the NDPS Act for alleged possession of contraband weighing 298.5 grams of brown sugar (heroin).
3. It is submitted on behalf of the Petitioner that he is inside custody since 27.1.2020 and the trial is yet to complete.
4. After hearing Mr. K. Das, learned Additional Standing Counsel 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 long period of detention of the Petitioner inside custody and slow progress in 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 S.T.F. Bhubaneswar

P.S. Case No.9/2020 corresponding to Special Case No.1/2021 on such terms and conditions to be fixed by learned 3rd Addl. Sessions Judge, Balasore 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 9th March, 2023, 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