**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.10476 of 2022**

***Prasant Khemundu*** .... ***Petitioner***

Mr. A.N.Pattnanayak,
Advocate

*-versus-*

***State of Odisha*** .... ***Opposite Party***

Mr.P. Tripathy,
Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**Order No.** **25.11.2022.**

04. 1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.

3. The Petitioner is in custody since 19th June, 2021, in connection with Nandapur P.S. Case No.62/2021 corresponding to T.R.Case No.54/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for the alleged commission of the offence under Section 20 (b) (ii) (C) of the NDPS Act.

4. The Petitioner's application for bail was earlier rejected by this Court in BLAPL No.2514/2022 by order dated 6th April,

2022 on the ground that the seized contraband is more than commercial quantity. As is evident, the Petitioner has been in custody for more than one and half years, trial is yet to commence. While Section 37 of the N.D.P.S. Act stands as a bar for release of the accused on bail yet, it must also be kept in mind that indefinite detention in custody without commencement of trial is an infringement of Article 21 of the Constitution of India.

5. Taking into consideration all the above facts, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall personally appear before the trial Court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the Court to take him to custody again. Further, he shall not leave the territorial jurisdiction of Jeypore Town P.S. without obtaining leave of the Court.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

***(Sashikanta Mishra)***
***Judge***

*AKB*

HIGH COURT
ORISSA