

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.9456 OF 2021

Rohit Gop

.... ***Petitioner***
Mr. A.P. Bose, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.S.K. Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH

ORDER
08.08.2022

Order No.

05.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Adava P.S. Case No.62 of 2020 corresponding to G.R. Case No.37 of 2020 pending on the file of learned Special Judge-cum-Sessions Judge, Gajapati, Paralakhemundi, running for the alleged commission of offence under Section-20(b)(ii)(C)/25/29 of the NDPS Act, in filing this application under section 439, Cr.P.C., for his release on bail in the above mentioned case.
3. Learned Counsel for the Petitioner submitted that on the allegation that this Petitioner was involved in transportation of 115 Kgs. of ganja, he being arrested in the case is in custody since 07.08.2020. He further submitted that despite such long period of detention of the Petitioner in custody, the trial has not yet been completed and for this not only the Petitioner is suffering but also all his family members and as they depend on

him, they are no more in a position to continue without the help of this Petitioner. In view of all these above, he urged for reconsideration of the prayer for grant of bail to the Petitioner as according to him, the bar contained under section-37 of the NDPS Act at this stage does not stand on the way of grant of bail to the Petitioner.

4. Learned counsel for the State opposed the move in view of the seizure of huge quantity of contraband ganja from the possession of the Petitioner.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. he shall furnish his address along with the contact mobile number by way of affidavit and in case of any change, shall intimate the same in that way;
2. shall appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial except under some exceptional circumstance to the satisfaction of the Court; and
3. shall appear before the Inspector-in-Charge of Kairo Police Station in the District of Lahardaga

(Jharkhand) every Monday in between 10 am to 2 pm for a period of next one year.

Violation of any of the condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

