

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9542 of 2021

Dasarathi Mohapatra

....

Petitioner

Mr. H.N. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

07.04.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.20(b)(ii)(C)/25/29 of the NDPS Act for alleged possession of contraband ganja weighing 51 kg. 700 grams.

2. Heard Mr. H.N. Mohapatra, 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 the Petitioner is inside custody since 20.7.2019 and despite the direction of this Court dated 12.01.2021 in the earlier bail application, i.e., BLAPL No.8503 of 2019 to complete the trial by

end of September, 2021, only two witnesses have been examined till date.

5. Thus considering long period of detention of the Petitioner inside custody and slow progress 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 Khajuripada P.S. Case No.63/2019 corresponding to C.T. Case No.31/2019 on such terms and conditions to be fixed by learned Sessions Judge-cum-Special Judge, Kandhamal, Phulbani as he deems just and proper including the condition that the Petitioner shall furnish two sureties 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 11th 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