

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10758 of 2022

***Rachha @ Rajkapoor Mallick
@ Rajakapur Mallick***

Petitioner

Mr. S. Dash, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
29.11.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with S.A. Case No.23 of 2015, pending in the file of the learned A.D.J.-cum-Special Judge, Nuapada, arising out of Komna P.S. Case No.124 of 2014, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J., Nuapada, by order dated 17.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner was released on bail by the learned Court in seisin by order dated

06.06.2006 and because of his non appearance on the date fixed, he has been taken into custody in terms of the order dated 17.10.2022.

6. Learned counsel for the petitioner has specifically stated, referring to the order of rejection that the non appearance of the petitioner on the date fixed was due to supervening circumstances and it was not willful and ought to have weighed with the Court in seisin.

7. This Court prima facie does not find any irregularity in the order passed by the Court in seisin directing the petitioner-accused to be taken into custody for non compliance of the conditions while granting bail.

8. Taking into account that the petitioner was earlier granted bail and he is in custody pursuant to order dated 17.10.2022, for more than a month, this Court directs the petitioner to be released on bail.

9. Learned Court in seisin over the matter to fix the terms so as to ensure the presence of the petitioner on each date of trial.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha