

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9706 of 2021

Sankar Dev Seth @ Deepak

....

Petitioner

Mr. T. Meher, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

07.04.2022

Order No.

03. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in Special G.R. Case No.56 of 2020, arising out of Sohela P.S. Case No.161 of 2020, pending in the court of learned Addl. District and Sessions Judge-cum-Special Judge, Padampur for commission of offences under Sections 21(c), 25 and 29 of the NDPS Act and Sections 120-B, 274 and 275 of the IPC.
4. The prosecution case in brief is that on 14.10.2020, a vehicle bearing Registration No.OD-15Q-9033 was intercepted by Sohela police while it was coming from Sambalpur towards Padampur on NH.53. On search of the vehicle, which had four occupants, huge quantities of contraband cough syrup bottles were found.

5. Learned counsel for the petitioner submits that the petitioner was a passenger in the said vehicle and he has been falsely implicated in the crime. The petitioner is in custody since 16.10.2020 and the trial has not completed. Learned counsel for the petitioner further submits that the co-accused persons have already been granted bail by this Court vide orders dated 08.12.2021 and 25.03.2022 in BLAPL No.8777 of 2020 and BLAPL No.8778 of 2020, respectively. So, the petitioner deserves to be released on bail.

6. Learned counsel for the State opposes the bail prayer of the petitioner on the ground that there is clinching evidence against the petitioner.

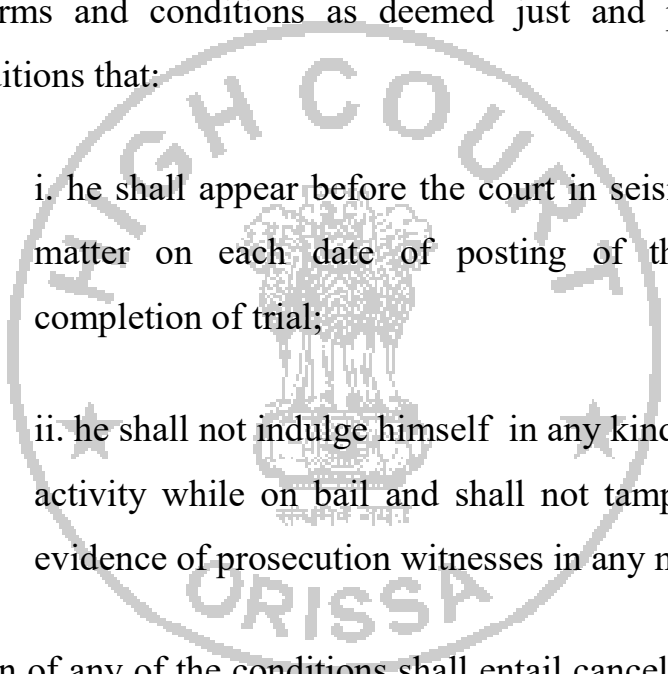
7. The petitioner is in custody for more than 1 and ½ years and the trial has not completed and there is less likelihood of completion of trial in the near future. The Hon'ble Apex Court, time and again, has expressed displeasure on the delay of trial of the under trial prisoners and their sufferings due to such delay. The Hon'ble Apex Court in ***Hussainara Khatoon (I) v. State of Bihar***,¹ observed that “*speedy trial is not specifically enumerated as a fundamental right in India; it is implicit in a broad sweep and content of Article 21 of the Indian Constitution.*” It is pertinent to mention that certain provisions of the Cr.P.C. impose a statutory obligation upon the courts to proceed the trial “expeditiously” so that the case could be disposed of without inordinate delay. The speedy trial of offence is a desirable goal because long delay can defeat justice. There is a common proverb – ‘delay defeats justice. Hence, it is said that speedy justice is the

¹ (1980) 1 SCC 81

essence of an organized society and the cases should be decided as early as possible. The present case fails to confirm to the aforesaid stand as articulated by the Hon'ble Apex Court.

8. Considering the aforesaid facts and submissions, the BLAPL is allowed.

9. Let the petitioner-Sankar Dev Seth @ Deepak be released on bail in the aforesaid case by the court in seisin over the matter with some stringent terms and conditions as deemed just and proper with further conditions that:

- 
- i. he shall appear before the court in seisin over the matter on each date of posting of the case till completion of trial;
 - ii. he shall not indulge himself in any kind of criminal activity while on bail and shall not tamper with the evidence of prosecution witnesses in any manner.

10. Violation of any of the conditions shall entail cancellation of the bail.

11. The BLAPL is disposed of.

Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge