

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9852 of 2021

Rama Pujari

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.N. Mohapatra, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

10.03.2022

Order No.

01. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is in custody in Jeypore Sadar P.S. Case No. 193 of 2020 corresponding to T.R. Case No.75 of 2020 of the court of learned Special Judge, Koraput at Jeypore for the commission of offence under Section 20(b)(ii)(C) of the NDPS Act. He has filed this petition for bail.
4. The brief fact of the prosecution case is that on 28.09.2020, the informant along with his staff received information of transportation of Ganja by a Bolero vehicle from Baipariguda towards Jeypore. Thereafter, the police intercepted the said vehicle near Baipariguda on N.H. 326 loaded with 12 contraband Ganja wrapped brown colour cello tape containing 55 kgs and 500 grams.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 28.09.2020 and he has no criminal antecedent. Investigation of the case has been completed. The petitioner undertakes to cooperate with the trial, if he is released on bail. It is further submitted that the co-accused has been granted bail by this Court vide order dated 18.02.2022 passed in BLAPL No.10701 of 2021.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

7. The petitioner has already spent in custody for about more than one year and trial has not yet commenced. There is less likelihood of trial being completed in near future. The Hon'ble Apex Court, time and again, has expressed displeasure on the delay of trial of the undertrial 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 offences 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 essence of an organized society and the cases should be decided as early as possible. The

¹ (1980) 1 SCC 81

present case fails to confirm to the aforesaid stand as articulated by the Hon'ble Apex Court.

8. Keeping in view the aforesaid facts and submissions and the period of detention of the petitioner in judicial custody without trial having commenced, the BLAPL is allowed.

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

i. he shall appear before the trial court on each date of posting of the case;

ii. he shall not indulge in any kind of criminal activity during bail period 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

pcd