

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10060 of 2021

Babula Kanhar

....

Petitioner

Mr. Amulya Ratna Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Anupam Rath, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

21.02.2022

Order No.

- 01.
1. Heard Mr. A. R. Panda, learned counsel for the Petitioner and Mr. A. Rath, learned Additional Standing Counsel.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Babula Kanhar in connection with Phiringia P.S. Case No.67 of 2019 corresponding to C.T. Case No.37 of 2019 pending in the court of learned Sessions Judge-cum-Special Judge, Phulbani for alleged commission of offence under Section 20(b)(ii)(c)/25/29 of N.D.P.S. Act for alleged possession of contraband ganja weighing about 106 kg. 680 grams.
 3. It is submitted that the Petitioner is inside custody since 12th August, 2019 and despite earlier direction of this Court vide order dated 19th January, 2021 passed in BLAPL No.1185 of 2020 the trial is not complete and only two witnesses have been examined till date.

4. Upon hearing both parties and keeping in view the embargo contained under Section 37(1)(b) of NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

5. However, considering the period of detention of the Petitioner inside custody as well as slow progress of trial, it is directed to release the Petitioner on interim bail for a period of two months from the date of his release, on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioner shall attend the trial court on each date fixed and shall not be involved in any other offence while on bail.

6. It is made clear that the Petitioner shall surrender himself on or before 20th April, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

7. The BLAPL is accordingly disposed of.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge