

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10298 of 2021

Manas Kumar Bhoi

.... ***Petitioner***
Mr.S.P. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. G.N. Rout, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
16.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. The Petitioner being in custody in connection with Phulbani P.S. Case No.112 of 2018 corresponding to C.T. Case No.29 of 2018 on the file of learned Special Judge, Phulbani running for commission of offence under sections 20(b)(ii)(c) of the N.D.P.S. Act, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the petitioner submits that the Petitioner being implicated in the case for possession of 144 kgs and 810 grams of ganja, which have been recovered from the Qualish vehicle wherein the Petitioner is said to be a passenger at the relevant time, he has been in custody since 7.7.2018. He further submits that in spite of such long detention

of the Petitioner in custody, the trial has not made any such noticeable progress. It is submitted that even the police personnels are not appearing to depose which shows that taking advantage of the statutory bar standing on the way of the Court to grant bail to the Petitioner, those witnesses are acting as per their whims to see that the Petitioner's suffering being in custody continues. He further submits that there remains no scope for the Petitioner to flee from justice and tamper the evidence. In view of all these above, he urges for granted of bail to the Petitioner on such terms and conditions as deemed just and proper as according to him, in the fact and circumstances, the bar contained under section 37 of the NDPS Act, at this stage should not stand on the way.

4. Learned counsel for the State opposes the move in view of the quantity of contraband ganja involved in the case.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the petitioner as also the quantity of seized contraband with other surrounding circumstances including the factum of release of co-accused person on bail and the period of detention of the petitioner in custody; in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioner in the aforesaid case, it is directed that the petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court is seisin of the case with further

conditions that he will appear in person before the court in seisin of the case on each and every date of posting of the case till conclusion of the trial and will not indulge himself in commission of similarly activity.

Violation of any of the condition(s) shall entail cancellation of bail.

7. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D.Dash)
Judge



Himansu