

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.11740 OF 2022

Pradeep Kumar Sethy

.... ***Petitioner***

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

22.12.2022

Order No.

01.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.

2. This the successive journey of this Petitioner who is in custody in connection with Machhkund P.S. Case No.11 of 2018 corresponding to T.R. Case No.02 of 2018 on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput running for commission of offence under Section- 20(b)(ii)(C) of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.

3. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 26.09.2018 and the contraband ganja being seized from the vehicle, it is alleged that this Petitioner had fled away from the spot. He further submits that in the meantime, the witnesses examined are not implicating this Petitioner to be that person who had away at the sight of the Police. He submits that at this stage, there is no scope for the Petitioner to tamper the evidence and he being a permanent resident of the District of Koraput, the question of fleeing away from the justice also does not arise. In view of all these above, he urges for reconsideration of prayer for grant of bail to the Petitioner on such

terms and conditions as deemed just and proper; as according to him, at this stage, the bar contained under Section-37 of the NDPS Act does no more stand on the way of grant of bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the quantity of contraband ganja involved in the case. He however, does not dispute the position that the Petitioner is in custody since 26.09.2018.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody and in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioner, 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 in seisin of the case with further conditions that:-

1. Petitioner 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
2. will not indulge himself in commission of similar activity.

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

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan