

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11066 of 2021

Samara Madkami

....

Petitioner

Mr. R.L.Pattnaik,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.11.2022.

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 26th September, 2020, in connection with Orkel P.S. Case No.170/2020 corresponding to T.R .Case No.114/2020 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of the offence under Section 20 (b) (ii) (C)/27 of the NDPS Act.

4. The Petitioner's application for bail was earlier rejected by this Court in BLAPL No.9510/2020 by order dated 10th November, 2021. More than a year has passed. Trial has not yet commenced. The Petitioner has spent two years in custody by now. Though commercial quantity of contraband ganja was recovered in this case, he cannot be detained indefinitely without trial as the same would amount to violation of Article 21 of the Constitution of India. Right to speedy trial is also ingrained in the said Article of the Constitution.

5. Taking into consideration all the above facts, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial Court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the Court to take him to custody again. Further, he shall not leave the territorial jurisdiction of Orkel P.S. without obtaining leave of the Court.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

