

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12351 of 2022

Larensya Nayak

....

Petitioner

Mr. S.K. Dash , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with 2(a) C.C. Case No.31(A) of 2013 (N), pending in the Court of the learned 3rd Additional Sessions Judge, Berhampur, arising out of P.R. Case No.21 of 2013-14 of Excise Striking Force Berhampur, for commission of alleged offences under Sections 20(b)ii(B) of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Berhampur, by order dated 17.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Perused the order of rejection.
5. Admittedly the petitioner was released on bail in the year 2013. It is stated that he continuously appeared before the learned Court in seisin for about two years and on 12.03.2015 due to supervening circumstances, he could not appear for which NBW(A)

was issued and on strength of which the accused-Petitioner was taken into custody on 25.08.2021.

6. It is submitted that the non-appearance on the date fixed was not intentional but because of unavoidable reasons and hence his bail application be considered favourably.

7. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that keeping in view the conduct of the petitioner, he ought not to be released on bail since there is every chance of his not cooperating the trial.

8. Taking into account the contraband seized was 12.7 kgs of ganja which is less than commercial quantity and that the petitioner admittedly appeared before the learned Court for about two years, this Court directs the petitioner to be released on bail. Keeping in view that the accused does not reside within the jurisdiction terms to be fixed by the learned Court in seisin to ensure his presence on each date of trial.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi