

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11282 of 2021

Ganga Padiami

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Das, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

31.03.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in T.R. Case No.62 of 2020 corresponding to Mathili P.S. Case No.93 of 2020 of the court of learned Special Judge, Malkangiri for commission of offence under Sections 20(b)(ii)(C) and 29 of the NDPS Act, has filed this petition for bail.
4. The prosecution case, as narrated in the FIR, is that on 27.06.2020, at about 5.45 P.M., while the petitioner and other accused were carrying contraband ganja weighing 44 kg. & 800 grams in a four wheeler vehicle, they were apprehended by the police.
5. Learned counsel for the petitioner submits that the petitioner is in custody since 27.06.2020 and he is the driver of the vehicle in question. He further submits that the petitioner has no knowledge

regarding transportation of ganja. The charge-sheet has been filed. So, the bail petition may be allowed. Furthermore, the co-accused has been granted bail by this Court vide order dated 07.02.2022 in BLAPL No.6335/2021.

6. Learned counsel for the State vehemently opposes the bail prayer of the petitioner.

7. The petitioner is in custody for more than one and half years and the trial has not yet been commenced and there is likely less chance of completion of trial in the near future. The Hon'ble Apex Court, time and again, has expressed displeasure on the delay of trial of the under trial prisoners and their sufferings due to such delay. The Hon'ble Apex Court in ***Hussainara Khatoon (I) v. State of Bihar***,¹ observed that “*speedy trial is not specifically enumerated as a fundamental right in India; it is implicit in a broad sweep and content of Article 21 of the Indian Constitution.*” It is pertinent to mention that certain provisions of the Cr.P.C. impose a statutory obligation upon the courts to proceed the trial “expeditiously” so that the case could be disposed of without inordinate delay. The speedy trial of offence is a desirable goal because long delay can defeat justice. There is a common proverb – ‘delay defeats justice. Hence, it is said that speedy justice is the essence of an organized society and the cases should be decided as early as possible. The present case fails to confirm to the aforesaid stand as articulated by the Hon'ble Apex Court.

¹ (1980) 1 SCC 81

8. Considering the aforesaid facts and submissions, the BLAPL is allowed.

9. Let the petitioner be released on bail in the aforesaid case by the court in seisin over the matter with some stringent terms and conditions as deemed just and proper with further conditions that:

i. he shall appear before the court in seision over the matter on each date of posting of the case till completion of trial;

ii. he shall not indulge himself in any kind of criminal activity while on bail and shall not tamper with the evidence of prosecution witnesses in any manner.

10. Violation of any of the conditions shall entail cancellation of the bail.

11. The BLAPL is disposed of.

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

(S.K. Panigrahi)
Judge

pcd