

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11369 of 2021

Pikul Biswas and Others

....

Petitioners

Mr. R.K. Mahanta, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Mohanty, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

26.4.2022

Order No.

- 02.
1. Heard Mr. R.K. Mahanta, learned counsel for the Petitioners and Mr. P.K. Mohanty, learned Additional Standing Counsel.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioners 1) Pikul Biswas, 2) Kasim Sekh and 3) Majdar Sekh in connection with Balliguda P.S. Case No.130 of 2019 corresponding to C.T. Case No.107 of 2019 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Balliguda for alleged commission of offence under Section 20(b)(ii)(c)/25/29 of N.D.P.S. Act for alleged possession of contraband ganja weighing about 60 kg. 850 grams.
 3. It is submitted on behalf of the Petitioners that they are inside custody since 4th October, 2019 and despite earlier direction of this Court dated 19th March, 2021 passed in BLAPL No.9359 of 2020 to complete the trial expeditiously by end of September, 2021, the same could not be commenced till date.

4. Upon hearing Mr. Mohanty, learned Additional Standing Counsel for State and keeping in view the total quantity of contraband ganja and the embargo contained under Section 37(1)(b) of NDPS Act, I am not inclined to release the Petitioners on bail. Accordingly, their prayer for bail is rejected.

5. However, considering the long detention of the Petitioners inside custody and the fact that the trial has not commenced yet, it is directed to release the Petitioners on interim bail for a period of three months from the date of their release on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioners shall furnish two sureties each (with proper identity proof) out of whom one shall be their relative respectively and that, they shall not be involved in any other offence while on bail.

6. It is made clear that the Petitioners shall surrender on or before 29th July, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioners.

7. The BLAPL is accordingly disposed of.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge