

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11392 of 2021

Gulzar @ Gulzar Malik

....

Petitioner

Mr. A.N. Pattanayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Mohanty, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

21.4.2022

Order No.

02.

1. Heard Mr. A.N. Pattanayak, learned counsel for the Petitioner 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 Petitioner Gulzar @ Gulzar Malik in connection with Semilliguda P.S. Case No.79 of 2019 corresponding to T.R. Case No.20 of 2019 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Koraput for alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S. Act for alleged possession of contraband ganja weighing about 83 kg. 70 grams.

3. Upon hearing Mr. Mohanty, learned ASC for the State and keeping in view the embargo contained under Section 37(1)(b) of NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

4. However, as submitted on behalf of the Petitioner that he is inside custody since 30th August, 2019 and despite earlier direction of this court dated 18th January, 2021 passed in BLAPL No.645 of 2020

to complete the trial by end of October, 2021 the same could not be completed and only four witnesses have been examined as yet.

5. Thus, considering the long detention of the Petitioner inside custody and slow progress of trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his 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 Petitioner shall furnish two sureties (with proper identity proof) out of whom one shall be his relative and that, the Petitioner shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender on or before 25th July, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend him.

7. The BLAPL is accordingly disposed of.

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

(B.P. Routray)
Judge