

(2022) 07 OHC CK 0087

In the Orissa High Court

Case No : Bail Application No. 2187 Of 2022

Anil Sharma @ Anil Kewal Sharma

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 15-07-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(b)(ii)(C), 37(1)(b)

Citation : (2022) 07 OHC CK 0087

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : Satya Narayan Mishra 4, S. Pattnaik

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. The matter is taken up through hybrid mode.
2. Heard Mr. S.N. Mishra-4, learned counsel for the Petitioner and Mrs. S. Pattnaik, learned Additional Government Advocate.
3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Anil Sharma @ Anil Kewal Sharma in connection with Orkel P.S. Case No.202 of 2019, corresponding to T.R. Case No.148 of 2019 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Malkangiri for alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S. Act for alleged possession of contraband weighing about 43 Kg. 500 grams.
4. It is submitted on behalf of the Petitioner that he is inside custody since 22nd November, 2019 and till date only 4 witnesses have been examined.
5. Upon hearing Mrs. Pattnaik, learned Additional Government Advocate for State and keeping in view the total quantity of contraband and the embargo contained under Section 37(1)(b) of the NDPS Act, I am not inclined to release the

Petitioner on bail. Accordingly, his prayer for bail is rejected.

6. However, 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, he shall not be involved in any other offence while on bail.

7. It is made clear that the Petitioner shall surrender on or before 19th October, 2022, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

8. The BLAPL is accordingly disposed of.

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

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