
(2023) 08 OHC CK 0010
In the Orissa High Court
Case No : Bail Application No. 6919 Of 2023

Laba Khilla

APPELLANT

Vs

State Of Orissa

RESPONDENT

Date of Decision : 03-08-2023

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(b)(ii)(c), 25, 29, 37(1)(b)

Citation : (2023) 08 OHC CK 0010

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

Bench : Single Bench

Advocate : S. Manohar, K. Das

Final Decision : Dismissed

Judgement

B. P. Routray, J

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Sections 20(b)(ii)(C)/25/29 of the NDPS Act and Section 25 of the Arms Act for alleged possession of contraband ganja weighing 1216 kg 500 grams and the pistol with ammunition.

2. Heard Mr. S. Manohar, learned counsel for the Petitioner as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party.

3. Mr. S. Manohar submits that the Petitioner is inside custody since 22.9.2019 and the trial is pending till date and only five witnesses have been examined. He further submits that two other co-accused persons, namely, Bijay Khemundu and Hantal Bhagwan were released on bail by this Court on different bail applications. He thus submits to release the present Petitioner on bail also, who is inside custody for near-about four years.

4. It is seen that present Petitioner, namely, Laba Khilla along with another were the occupants of the vehicle from which the ganja as well as pistol with magazine

and cash of Rs.20,000/-were recovered. Other two accused persons named above, who have been released on bail, were not present either in the vehicle or at the spot at the time of seizure of the contraband and other materials. Therefore, this Petitioner stands on different footing than those two co-accused persons and his claim for parity to be released on bail is without merit.

5. As submitted, there are 20 (twenty) charge-sheeted witnesses and out of them, only five witnesses have been examined till date. The same cannot be considered as sole ground to release the Petitioner on bail particularly when huge quantity of ganja involving commercial quantity has been recovered along with fire arm and cash.

6. Upon hearing both the parties and keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act and the presence of the Petitioner in the vehicle wherefrom the contraband ganja was seized, I am not inclined to release the Petitioner on bail. The prayer for bail is rejected.

7. However, learned trial court is directed to take steps for early completion of trial preferably by end of December, 2023. It needs to be mentioned here that despite earlier direction of this Court dated 7.12.2020 in BLAPL No.9339 of 2019, the trial could not be completed expeditiously due to effect of COVID-19 pandemic. Further, it is open for the Petitioner to renew his prayer for bail in case the trial is not completed within the time stipulated above.

8. With the aforesaid observations, the BLAPL is dismissed.

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