

K. Lyer Vs State Of Odisha**Bail Application No. 5829 Of 2022**

Court: Orissa High Court**Date of Decision:** Feb. 2, 2023**Acts Referred:**

Code of Criminal Procedure, 1973 â€” Section 439#Narcotic Drugs and Psychotropic Substances Act, 1985 â€” Section 20(b)(ii)(C)

Hon'ble Judges: Savitri Ratho, J**Bench:** Single Bench**Advocate:** Sabyasachi Mishra, J. Katikia

Judgement

Savitri Ratho, J

1. This is a successive application under Section 439 of the Cr.P.C. of the Petitioner-K. Lyer in connection with Jeypore Sadar P.S. Case No. 233 of

2020 corresponding to T.R. Case No. 89 of 2020 pending in the court of learned Sessions Judge-cum-Special Judge, Koraput-Jeypore for the alleged

commission of offences punishable under Section 20 (b) (ii) (c) of the NDPS Act.

2. Mr. Sabyasachi Mishra, learned counsel for the Petitioner submits that the Petitioner is in custody since 01.12.2020 on the allegation that he was

transporting 56 kilos of ganja in a Wagon R car and the other co-accused, G. Murugan has been released on bail by this Court vide order dated

19.10.2022 passed in BLAPL No. 2453 of 2021. He further submits that keeping in view the long detention of the Petitioner in custody, he may be

released on bail and that in many similar cases the Hon'ble apex Court has allowed the prayer for bail on the ground of delay in trial.

3. His further submission is that the trial has started in the case but only 3 witnesses have been examined and they have not supported the prosecution

case for which they have been cross-examined by the Additional Public Prosecutor and he will file copies of these depositions after serving copy on

the learned State Counsel.

4. List this matter in the week commencing 20.02.2023. In the meanwhile, Registry is requested to call for a report from the learned trial court

regarding status of the trial.

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