

(2024) 05 OHC CK 0087

Orissa High Court

Case No: Bail Application No. 7701 Of 2022

Sapura @ Sapira Pangi
And Others

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 6, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 149, 323, 353, 506
- Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 20(b)(ii)(c)
- Arms Act, 1959 - Section 25

Hon'ble Judges: Sashikanta Mishra, J

Bench: Single Bench

Advocate: S.K.Sahu

Final Decision: Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.

2. The Petitioners have filed Vakalatnamas in favour of Mr. Subrat Kumar Sahu, Advocate. All the Petitioners have submitted prisoners petitions duly

countersigned by the Senior Superintendent, Circle Jail, Koraput, indicating that they desire to engage Mr. Sahu as their counsel. As such, the

Vakalatnamas be kept on record. The name of Mr. S.K.Sahu be reflected in the cause list.

3. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.

4. The Petitioners are in custody since 16.5.2022 in connection with Mathili P.S. Case No.103/2022 corresponding to G.R. Case No.84/2022 pending

in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri, for the alleged commission of the offence under Sections

147/148/323/353/506/149 of I.P.C. read with Section 20(b)(ii)(c) of the N.D.P.S Act read with Section 25 of the Arms Act.

5. It is alleged by the prosecution that several persons were detected while carrying contraband ganja near a jungle. They were walking one after the

other forming a chain with suspicious looking packets hanging from sides from a wooden stick. Eight persons were apprehended including the present

Petitioners while others manage to flee. It is submitted that there is no clear-cut proof regarding seizure of the contraband from the possession of the

Petitioners. Learned counsel for the Petitioners submits that despite being in custody for two years, trial has not commenced as yet, which amounts to

pre-trial punishment.

6. Looking at the huge quantity of contraband seized from the possession of the Petitioners, while not being inclined to consider grant of regular bail,

this Court however, taking note of the fact the Petitioners have been in custody for 2 years without commencement of trial, deems it proper to dispose

of the bail application by directing the Court below to release them on interim bail for a period of three months from the date of their actual release on

such terms and conditions as may be fixed by the Court below including the condition that they shall not misuse the liberty granted to them.

7. After expiry of the aforesaid period of three months, the Petitioners shall surrender before the Court below, failing which appropriate warrant may

be issued for their production.

8. Urgent certified copy of this order be granted on proper application.

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