

(2024) 07 OHC CK 0007**Orissa High Court****Case No:** Bail Application No. 2422 Of 2024

Manoj Baliar Singh

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: July 3, 2024**Acts Referred:**

- Narcotics Drugs and Psychotropic Substances Act, 1985 - Section 20(b)(ii)(C)

Hon'ble Judges: Sashikanta Mishra, J**Bench:** Single Bench**Advocate:** P.C. Maharana, S. Mishra**Final Decision:** Disposed Of**Judgement**

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 24.2.2022 in connection with PR No.265/2021-22, corresponding to 2(a)cc Case No.5/2022, pending in the Court of the learned 3rd Additional Sessions Judge, Cuttack for the alleged commission of the offence under Sections U/s 20(b)(ii)(c) of the NDPS Act.
4. It is alleged that the Petitioner was in possession of 102.5 kgs. of contraband ganja when he was apprehended by excise officials. Learned counsel for the Petitioner submits that out of three P.R. witnesses, two have been examined with the last witness being examined on 09.02.2023 i.e. more than one and half years ago. The remaining witness is not turning up despite repeated summons issued by the Court. He therefore,

submits that taking into consideration the delay in conclusion of trial, the Petitioner may at least be released on interim bail.

5. Having regard to the submissions as above and the delay in conclusion of trial, I am inclined to take a lenient view. The BLAPL is disposed of directing the Court below to release the Petitioner on interim bail for a period of three months from the date of his actual release on such terms and conditions as may be fixed by the court below including the condition that he shall not misuse the liberty granted to him.

6. After expiry of the aforesaid period of three months, the Petitioner shall surrender before the court below, failing which appropriate warrant may be issued for his production.

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