



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12046 of 2024

Pintu @ Abinash Lenka ... ***Petitioner***

Mr. S.N. Das, Advocate

-versus-

State of Odisha ... ***Opposite Party***

Mr. A. Pradhan, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
02.05.2025

Order No.
06.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Laxmisagar P.S. Case No. 264 of 2021 arising out of TR Case No.369 of 2021 pending in the Court of learned 1st Additional Sessions Judge-cum-Special Judge, Bhubaneswar for commission of offences punishable U/Ss. 21(C)/29 of the NDPS Act, on the main allegation of possessing 270 Grams of Brown Sugar.
3. Heard, Mr. Sailaza Nandan Das, learned counsel for the petitioner and Mr. A. Pradhan, learned Addl. Public Prosecutor in the matter and perused the record.
4. It is not disputed that the Petitioner has been detained in custody since 18.08.2021 and as per the report submitted by learned trial Court, only 01 out of 18 charge sheeted witnesses has been examined till today. In such situation, as to when the trial would be concluded



is still a guess and remains an uncertainty, but right to speedy trial is the fundamental right of an accused, however, in this case, the same appears to have been breached. The quantity of Contraband articles recovered and seized in this case is commercial in nature and the provisions of Sec. 37 of NDPS Act may ordinarily be attracted, but in the peculiar facts and circumstance of the case, especially when 01 out of 18 charge sheeted witnesses has been examined till today even after more than 3 and ½ years of the custody of the Petitioner, this Court considers that the conditions of Sec. 37 of NDPS Act may be dispensed with at this stage for the Petitioner.

5. For the reasons stated hereinabove and taking into account the pre trial detention of the Petitioner in custody, this Court without expressing any view on merits admits the petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

(i) the petitioner shall not commit any offence while on bail,

*(ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. **In case the Petitioner fails without sufficient cause to***



appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS,2023 in accordance with law,

(iii) the petitioner shall not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case by intimating his present address of stay to the concerned Court and

(iv) the petitioner shall report attendance before the Jurisdictional Police Station once in a fortnight preferably on a Sunday in each month in between 10 A.M. to 12 Noon for six (06) months from the actual date of release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future any offence under NDPS Act on prima facie accusations may be treated as a ground for cancellation of bail in this case.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

Signature Not Verified

Digitally Signed
Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 03-May-2025 14:54:44

Priyajit

***(G. Satapathy)
Judge***