

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 14038 of 2023

Simadri Seda

....

Petitioner

Mr. P.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

01.03.2024

Order No.

05. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with T.R. Case No.69 of 2022, pending on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput, arising out of **Semiliguda P.S. Case No.97 of 2022** for commission of offence alleged under Sections-20(b)(ii)(C) of the NDPS Act.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. case is pending in any other Court.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Koraput, by order dated 07.12.2023 in the aforementioned case, the present BLAPL has been filed.
5. This is the second journey of the Petitioner to this Court. Earlier this Court was rejected the bail application of the Petitioner by order dated 18.10.2023 in BLAPL No.10972 of 2023.

6. It is submitted by the learned counsel that the Petitioner is in custody since 29.06.2022 and as the trial is lingering, he may be released on bail.

7. The allegation against the present Petitioner is that he along with the co-accused are involved in the transportation of contraband (ganja) to the tune of 452 kgs 700 grams

8. Learned counsel for the State opposes the prayer for bail and submits that long incarceration cannot have any universal application bereft of the factual matrix of the case and since in this case there are no mitigating circumstances, the Petitioner ought not to be released on bail in view of the bar contained in Section 37(1)(b)(ii) of the NDPS Act.

9. It is further submitted referring to the order of the Apex Court in the case of **State by the Inspector of Police vs. B. Ramu** in SLP(Crl.) No(s).8137 of 2022 dated 12.02.2024 since that filing of charge sheet goes to establish prima facie involvement of this Petitioner.

10. A report regarding the status of the trial was called for. In report dated 27.02.2024, the learned Addl. Sessions Judge-cum-Special Judge, Koraput indicated that because of the “prioritising the old UTP cases and the cases targeted by the Hon’ble Courts” there is inadvertently delay and indicated that one witness has already been examined and the case is now posted to 05.03.2024 for trial.

11. Considering such report and taking into account the quantity of contraband seized, this Court is **not inclined** to entertain the bail application at this stage.

12. Learned Trial Court is requested to expedite the trial.
13. Accordingly, the BLAPL stands disposed of.

Soumya

(V. NARASINGH)
Judge



Signature Not Verified

Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Reason: Authentication
Location: High Court of Orissa
Date: 04-Mar-2024 13:35:17

