

ITEM NO.16

COURT NO.16

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8263/2024

(Arising out of impugned final judgment and order dated 06-05-2024 in BLAPL No. 495/2024 passed by the High Court of Orissa at Cuttack)

KISHOR KARMAKAR**Petitioner(s)****VERSUS****THE STATE OF ODISHA****Respondent(s)**

(IA No.134545/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.134546/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 01-07-2024 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE UJJAL BHUYAN
(VACATION BENCH)**

**For Petitioner(s) Mr. Shyam Manohar, Adv. (Not Present)
Ms. Manju Jetley, AOR (Not Present)**

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R**

1. None appears on behalf of the petitioner when the matter is called out.
2. The petitioner has been charged for the offence under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act. He preferred bail application before the High Court. The High Court took notice of the fact that the petitioner was in custody since 11th May, 2022 and only one witness had been examined so far. In such circumstances, the High Court thought fit to order release of the petitioner on bail but only for a period of two months.

3. In such circumstances, the petitioner is here before this Court with the present Special Leave Petition.
4. In our opinion, it is an incorrect order. If the High Court was of the view that the right of the petitioner to have a speedy trial could be said to have been infringed, then the High Court should have ordered release of the petitioner on bail pending final disposal of the trial itself. There was no good reason for the High Court to limit the period of bail.
5. It is now well settled that the right to a speedy trial is recognised as a fundamental right guaranteed by the Constitution and is closely tied to the right to life and personal liberty, as held by this Court in ***Hussainara Khatoon & Ors. Vs. Home Secretary, State of Bihar, Patna*** [1979 (3) SCR 532].
6. In view of the aforesaid, issue notice.
7. We direct that the petitioner shall continue to remain on bail pending further orders by this Court.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(POOJA SHARMA)
COURT MASTER (NSH)