

4. 31.07.2019

This revision has been directed against an order dated 15.5.2019 passed by the learned Special Judge, Malkangiri in T.R. No. 129 of 2018 rejecting the application filed by the petitioners (accused persons) for their release on bail under section 167 (2) Cr.P.C. for the default of the prosecution in completing the investigation of the case within the time stipulated. The case is running against the petitioners for commission of offence under section 20(b)(ii)(C)/ 29 of the NDPS Act.

Heard the learned counsel for the petitioners and learned counsel for the State.

Considering the submissions made, the impugned order being perused, it is seen that the court below has lost sight of the decision of this Court in case of Lambodar Bag vs. State of Orissa; 2018 (II) OLR 918 and without having any discussion as to whether the principles decided therein have the applicability to the facts and circumstances of the case in hand has gone to reject the prayer in a slipshod manner which this Court does not approve in the matter.

For the aforesaid, the impugned order being set aside, the matter is remitted to the trial court to consider the application afresh and dispose it of bestowing due attention to the decision of this Court in case of Lambodar Bag (supra) and in accordance with law.

Issue urgent certified copy as per the rules.

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**D. Dash, J.**