

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.94 of 2022

Sk. Samir

....

Petitioner

Mr. S.R. Rout, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
14.12.2022**

Order No.

07. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This is an application under section 439 of Cr.P.C. in connection with P.R. No.168 of 2020-21 of E.I. & E.B., Unit-II, Excise Cuttack corresponding to 2(a) C.C. Case No.15 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Cuttack for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Sessions Judge -cum- Special Judge, Cuttack which was rejected on

08.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 14.03.2021 and only one witness has been examined in the trial Court.

Learned counsel for the State has produced the report dated 13.12.2022 of the Inspector in-charge of Excise, E.I. & E.B., Unit-II, Cuttack from which it appears that the local surety, namely, Kailash Naik is ready and willing to take the petitioner on bail and the documents of the said surety was also verified and it was found to be correct and similarly, the documents of Arakshyita Swain, another local surety are found to be genuine. The report is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the progress of the trial so far, at this stage, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. The petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty

thousand) with two local solvent sureties each, namely, Kailash Naik and Arakshyita Swain for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.
Issue urgent certified copy as per Rules.

