

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.227 of 2022

Sekhar Suman Bira* *Petitioner

Mr. Satyabrata Panda, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
30.06.2022**

Order No.

03. 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 C.T. Case No.29 of 2018 arising out of Gunupur P.S. Case No.89 of 2018 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Gunupur 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 Addl. Sessions Judge -cum- Special Judge, Gunupur, which was rejected on 16.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.07.2018

and his earlier bail application in BLAPL No.7929 of 2020 was rejected as per order dated 02.03.2021 and direction was given to the learned trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order. Learned counsel further submitted that even though copy of the order was communicated to the learned trial Court on 08.03.2021, but there is no progress in the trial and therefore, the bail application of the petitioner may be favourably reconsidered.

Status report was called for as per order dated 31.03.2022 and the learned trial Court has furnished the same vide letter dated 05.04.2022 from which it indicates that the case is subjudiced for consideration on the point of charge.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody i.e. for four years and till date no charge has been framed, 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 and 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 for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail. The Inspector in-charge of Gunupur police station shall keep a close vigil over the activities of the petitioner during the interim bail period.

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge