

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.315 of 2020

Rajesh Mallik

.... Petitioner

Mr.S.K. Jena, Advocate

-versus-

State of Odisha

.... Opp.Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
14.10.2022**

Order No.

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

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

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Inspector of Excise (E.I. & E.B. Unit), Berhampur P.R. No. 147 of 2018-19 corresponding to 2(a) C.C. No. 05 of 2019 pending in the Court of learned 3rd Addl. Sessions Judge -cum- Special Judge, Berhampur for alleged commission of offence 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 3rd Addl. Sessions Judge -cum- Special Judge, Berhampur, which was rejected on 07.11.2019.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 02.03.2019 and his earlier bail application in BLAPL No. 3604 of 2019 was rejected as per order dated 26.07.2019. He further submitted that only one witness has been examined in the learned trial Court out of four P.R. witnesses and the petitioner is a local man and therefore, he may be granted interim bail for some time.

Learned counsel for the State has no serious objection to such prayer.

Status report dated 30.09.2022 of the learned trial Court indicates that out of four P.R. witnesses, only one witness has been examined.

Considering the submissions made by the learned counsel for the respective parties, the progress of trial so far and the period of detention of the petitioner in judicial custody, 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 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 including the conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period.

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.

(S.K. Sahoo)
Judge

PKSahoo