

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 306 of 2022

Hari Sankar Dewangan* *Petitioner

Mr.S. Panda, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
01.11.2022**

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 Jeypore Town P.S. Case No. 57 of 2019 corresponding to T.R. Case No.15 of 2019 pending in the Court of learned Sessions Judge -cum- Special Judge, Koraput 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, Koraput which was rejected on 21.12.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 14.03.2019 and his earlier bail application in BLAPL No.2439 of 2021 was

rejected as per order dated 03.12.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel further submitted that out of twenty one charge sheet witnesses, only two witnesses have been examined in the learned trial Court so far and in view of delayed disposal of trial, the petitioner may be granted interim bail for some period.

Learned counsel for the State was provided with the names and addresses along with the documents of two local sureties and it is ascertained that the sureties Tankadhar Harijan and Dhanu Muduli have expressed their willingness to be the sureties for the petitioner and their addresses were verified and it was found to be genuine. Today, learned counsel for the State also produced the written instruction received from the SHO (IIC) of Jeypore Town police station, who has annexed the report of the IIC, Chirmeri in the district of Panendragarh in the State of Chhatisgarh and it was found that address furnished in the cause title of the bail application is a correct one. The documents are taken on record.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to release the petitioner on bail on merit, but keeping in view the slow progress of trial and taking into account the period of detention of the petitioner in judicial custody, 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.2,00,000/-(rupees two lakh) with two local solvent sureties, namely, Tankadhar Harijan and Dhanu Muduli 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 interim bail period.

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

Accordingly, the BLAPE is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge