

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 648 of 2022

Niranjan Sahu

....

Petitioner

Mr.B.K. Dash, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

25.03.2022

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

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

This is an application for bail under section 439 of Cr.P.C. in connection with Striking Force, Excise, Berhampur P.R. No. 32 of 2020-21 corresponding to 2(a) C.C. No. 06 of 2020(N) pending in the Court of learned 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 1st Addl. Sessions Judge -cum- Special Judge, Berhampur in-charge, which was rejected on 13.12.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 30.06.2020 and his earlier bail application in BLAPL No. 1152 of 2021 was disposed of on 23.07.2021 and while rejecting the bail application, this Court directed the learned trial Court to expedite the trial and complete the same within a period of six months from the date of framing of charge and the petitioner was given liberty to renew his prayer for bail if the trial is not concluded within the said period.

On the submission made by the learned counsel for the petitioner that there is no such progress in the trial, status report was called for from the learned trial Court and the learned trial Court furnished the status report which is dated 22.03.2022 from which it appears that out of four P.R. witnesses, only one witness has been examined so far.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial and the period of detention of the petitioner in judicial custody and the fact that there is no criminal antecedent against the petitioner as submitted by the learned counsel for the State, 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 following conditions :

- (i) While on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence;
- (ii) He shall not indulge in any criminal activities;
- (iii) He 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