

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.727 of 2022

Ajay Dalai

....

Petitioner

Mr.P.K. Nanda, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
26.10.2022**

Order No.

02.

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

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

This is an application under section 439 of Cr.P.C. in connection with T.R. Case No.43 of 2020 arising out of Mudulipada P.S. Case No.09 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Malkangiri for offence punishable under sections 20(b)(ii)(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 04.03.2020 and his earlier bail application in BLAPL No.8955 of

2020 was rejected as per order dated 17.03.2021 and the learned trial Court was directed to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of the order and liberty was granted to the petitioner to renew his prayer for bail, if the trial is not concluded within the said period.

As per order dated 27.09.2022, learned trial Court has furnished the status report, which indicates that out of nineteen charge sheet witnesses, only nine witnesses have been examined so far.

It is submitted by the learned counsel for the petitioner that the petitioner is a local man and there is no chance of absconding and therefore, he may be granted interim bail for some time.

Learned counsel for the State has no serious objection.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, in view of the available materials on record, 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 while on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence, shall not indulge in any criminal activities 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.

(S.K. Sahoo)
Judge