

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 789 of 2022

Kishor Kumar Paricha* *Petitioner

Mr.D.J. Sahoo, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr.Debasis Biswal,
Addl. Standing Counsel*

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

**ORDER
23.09.2022**

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 Adava P.S. Case No. 16 of 2020 corresponding to G.R. Case No.17 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Gajapati, Paralakhemundi for offences punishable under sections 20(b)((ii)(C), 25 and 29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Sessions Judge -cum- Special Judge,

Gajapati, Paralakhemundi, which was rejected on 23.12.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 24.02.2020 and his earlier bail application in BLAPL No.2397 of 2020 was rejected as per order dated 07.12.2020 and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the learned trial Court. He further submitted that in the meantime trial has commenced and out of seventeen charge sheet witnesses, eight witnesses have been examined and since the petitioner is a local man and there is no chance of absconding, in view of delayed disposal of the learned trial Court, the petitioner's bail application may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail. However, on verification of the case records, he submitted that the petitioner is having no criminal antecedents.

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.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 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

PKSahoo