

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.873 of 2022

Jaga @ Jagannath Bhuyan Petitioner

Mr. D. Sarangi, Advocate

-versus-

State of Odisha Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
07.12.2022**

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 Bhanjanagar P.S. Case No.605 of 2020 corresponding to Special G.R. Case No.40 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Bhanjanagar 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 Special Judge, Bhanjanagar which was rejected on 18.01.2022.

Learned counsel for the petitioner submitted that the

petitioner was taken into judicial custody in connection with this case on 22.11.2020 and his first bail application before this Court in BLAPL No.1021 of 2021 was rejected as per order dated 21.09.2021, however, the learned trial Court was directed to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order and the petitioner was given liberty to renew the prayer for bail, if the trial is not concluded within the said period. Learned counsel further submitted that in the meantime, out of thirty two charge sheet witnesses, only three witnesses have been examined and in the present bail application, the petitioner has been granted interim bail on two occasions and after availing the same, he has surrendered at right time and in view of the delay disposal of the trial, the petitioner may be granted interim bail for some period.

Perused the status report dated 23.11.2022 submitted by the learned trial Court from which it appears that out of thirty two charge sheet witnesses, three witnesses have been examined.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

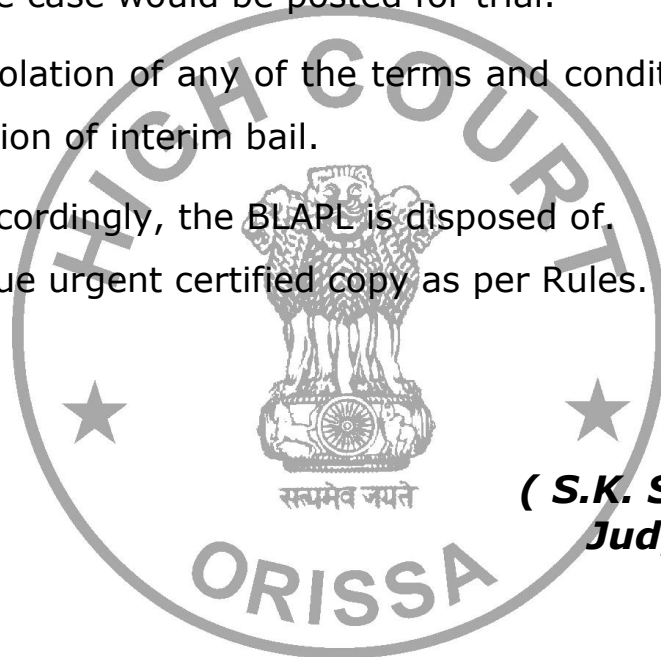
Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier order of interim bail granted by this Court and the slow progress of the trial, I am inclined 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 as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner 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

RKM