

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1052 of 2022

Babuli Khara

.... Petitioner

Mr.P.K. Nanda, Advocate

-versus-

State of Odisha

.... Opp.Party

Mrs.Susamarani Sahoo
Addl. Standing Counsel

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

**ORDER
27.09.2022**

Order No.

02.

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 Malkangiri P.S. Case No.404 of 2020 corresponding to C.T. Case No.144 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Malkangiri for offences punishable under sections 20(b)(ii)(C)/25 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Sessions Judge -cum- Special Judge, Malkangiri, which was rejected on 22.01.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.11.2020 and he is a local man and there is no chance of his absconding. Learned counsel further submitted that the earlier bail application of the petitioner in BLAPL No. 8948 of 2020 has been rejected as per order dated 17.03.2021 and direction has been given to the learned trial Court to conclude the trial within a period of six months from the date of receipt of a copy of the order. He further submitted that in the learned trial Court only one witness has been examined so far and therefore, in view of the delayed disposal of trial, the petitioner may be granted interim bail for some time.

Learned counsel for the State has no serious objection for grant of interim bail to the petitioner.

On perusal of the status report dated 17.04.2022 furnished by the learned trial Court, it appears that out of fourteen charge sheet witnesses, only one witness has been examined.

Considering the submissions made by the learned counsel for the respective parties, slow progress of trial, the period of detention of the petitioner in judicial custody and the fact that the earlier order passed by this Court in BLAPL No. 8948 of 2020 has not been complied with, 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 he shall not indulge in any criminal activities and 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