

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1604 of 2022

Manmohan Yadab* *Petitioner

Mr. Saroja Moharana, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
01.12.2022**

Order No.

05. 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 Phiringia P.S. Case No.69 of 2018 corresponding to C.T. Case No.34 of 2018 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Phulbani 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 Additional Sessions Judge -cum- Special Judge, Phulbani(I/c) which was rejected on

27.01.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 25.09.2018 and his first bail application in BLAPL No.7087 of 2018 was rejected vide order dated 27.06.2019, however, learned trial Court was directed to take all the effective steps for conclusion of the trial expeditiously, the second bail application in BLAPL No.7881 of 2018 was disposed of as withdrawn as per order dated 13.02.2019, the third bail application in BLAPL No.4691 of 2019 was disposed of as infructuous as per order dated 17.07.2019 and the last bail application in BLAPL No.8057 of 2019 was disposed of as per order dated 24.12.2021 to move the learned Court below.

The status report furnished by the learned trial Court dated 28.09.2022 indicates that out of eighteen charge sheet witnesses, eight witnesses have been examined.

Learned counsel for the State earlier obtained instruction which is reflected in the order dated 14.11.2022 that the address furnished by the petitioner in the cause title of the bail application was the earlier address of the petitioner and now he is residing at Sukhbasu Para, P.S. Kotwa, Dist. Jashpur in the State of Chhatisgarh.

Learned counsel for the State today produced the

written instruction received from the S.I. in-charge of Phiringia police station which indicates that the matter was enquired from the R.I., Katringia and from the available records, it came to light that the R.O.R. and rent receipt which are produced before this Court are genuine. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the slow progress of the trial, at this stage, 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, namely, Sanatan Kanhar and Digambar Kanhar 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

