

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1449 of 2021

Sunday @ Sanday Putel* *Petitioner

Mr. S.K. Joshi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. A. Das,
Addl. Government Advocate*

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

**ORDER
29.07.2022**

Order No.

14. 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 S.A. Case No.11 of 2020 arising out of Nuapada P.S. Case No.17 of 2020 pending in the Court of learned Sessions Judge –cum- Special Judge, Nuapada for offences punishable under sections 21 (c) of the N.D.P.S. Act, 1940 and 27(b)(i)/28 of the Drugs and Cosmetics Act read with section 25 of the Arms Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 30.01.2020 and his earlier bail application in BLAPL

No.2066 of 2020 was rejected as per order dated 11.01.2021 and the petitioner was granted interim bail for a period of three weeks by this Court as per order dated 11.03.2022 passed in I.A. No. 124 of 2022 and after availing the said interim bail period, he surrendered before the learned Court below at right time and in view of the conduct of the petitioner in complying with the conditions of the earlier interim bail order, the petitioner may be granted interim bail for some period.

Status report was called for as per order dated 06.05.2022 and the learned trial Court has furnished the same vide letter dated 10.05.2022 from which it appears that out of twenty four charge sheet witnesses, only three witnesses have been examined.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the terms of the earlier interim bail order, 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 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 period of interim bail. The Inspector in-charge of Nuapada police station shall keep a close vigil over the activities of the petitioner 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