

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1963 of 2022

Satyanarayan Digal* *Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

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

**ORDER
30.06.2022**

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 T.R. Case No.80 of 2020 arising out of Nayapalli P.S. Case No.59 of 2020 pending in the Court of learned 3rd Additional Sessions Judge, Bhubaneswar 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 3rd Additional Sessions Judge, Bhubaneswar, which was rejected on 16.02.2022.

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.4553 of 2020 was rejected as per order dated 03.02.2021 and direction was given to the learned trial Court 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 granted liberty to renew his prayer for bail if the trial is not concluded within the said period. It is contended by the learned counsel for the petitioner that even though the trial has already commenced, only four witnesses out of eleven charge sheet witnesses have been examined and one of the co-accused, namely, Padma Digal has been granted bail in bail BLAPL No. 856 of 2022 as per order 08.04.2022 and therefore, the prayer for bail may be favourably reconsidered. He has filed the copy of the bail order of the co-accused in Court today, which is taken on record.

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 since the earlier order dated 03.02.2021 passed in BLAPL No. 4553 of 2020 has not been complied with, 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.

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