

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1976 of 2022

Simanchal Patra

....

Petitioner

Mr.D.Sarangi, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

13.05.2022

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. *संक्षिप्त न्यायो*

This is an application under section 439 of Cr.P.C. in connection with Hinjili P.S. Case No. 91 of 2020 corresponding to G.R. Case No. 11 of 2020(N) pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Chatrapur 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 Addl. Sessions Judge -cum- Special Judge, Chatrapur which was rejected on 04.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 17.03.2020 and his

earlier bail application in BLAPL No.3812 of 2020 was rejected as per order dated 12.01.2021 and direction was given to the learned trial Court to expedite the trial and the petitioner was given liberty to renew his prayer for bail after examination of the material witnesses. Learned counsel further submitted that till date, only three witnesses have been examined and in view of delayed disposal of the trial, the prayer for bail of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 06.05.2022 and the learned trial Court has furnished the same vide letter dated 09.05.2022 from which it appears that out of twenty five charge sheet witnesses, three witnesses have been examined.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, 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 appear before the Inspector in-charge of Hinjili police station once in a week on every Monday in between 10.00 a.m. to 4.00 p.m., 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. The Inspector in-charge of Hinjili 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.

Let a free copy of the order be handed over to the learned counsel for the State for compliance.

(S.K. Sahoo)
Judge

PKSahoo