

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2027 of 2022

Malyakas Nayak

....

Petitioner

Mr. R. Rath, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
23.09.2022**

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 Adava P.S. Case No.55 of 2019 corresponding to G.R. Case No.52 of 2019 pending in the Court of learned Special Judge, Gajapati, Paralakhemundi 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 Sessions Judge -cum- Special Judge, Paralakhemundi (I/C) which was rejected on 25.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 05.11.2020 and when he approached this Court last time in BLAPL No.4053 of 2021, he was granted interim bail from 5th October 2021 to 25th October 2021 as per order dated 01.10.2021 on the ground of his wife's ailment. Learned counsel further submitted that after availing the interim bail period, the petitioner surrendered at right time and in the trial Court, out of fifteen charge sheet witnesses, ten witnesses have been examined and since the petitioner has not flouted the terms and conditions of the earlier interim bail order, he may be granted interim bail for some period.

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, the progress of the trial so far and the conduct of the petitioner in complying with the earlier order of interim bail, 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 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