

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2259 of 2022

Ajit Kumar Nayak* *Petitioner

Mr. B.P. Pradhan, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr. Debasis Biswal,
Addl. Standing Counsel*

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

**ORDER
14.10.2022**

Order No.

04. 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 Bhanjanagar P.S. Case No.583 of 2020 corresponding to Special G.R. Case No.37 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Bhanjanagar 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 Special Judge, Bhanjanagar which

was rejected on 30.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 11.11.2020 and his first bail application in BLAPL No.241 of 2021 was disposed of as withdrawn as per order dated 28.09.2021 and the second bail application in BLAPL No.9143 of 2021 was rejected as per the order dated 04.01.2022 on merit. It is further submitted that till date, not a single witness has been examined even though the petitioner has almost completed two years in judicial custody.

On perusal of the status report dated 13.09.2022 submitted by the learned trial Court, it indicates that the case is posted for execution of N.B.W.(A) against accused Baleswar Gauntia, who was released on interim bail and did not surrender on the date fixed after completion of interim bail period.

Learned counsel for the State opposed the prayer for bail.

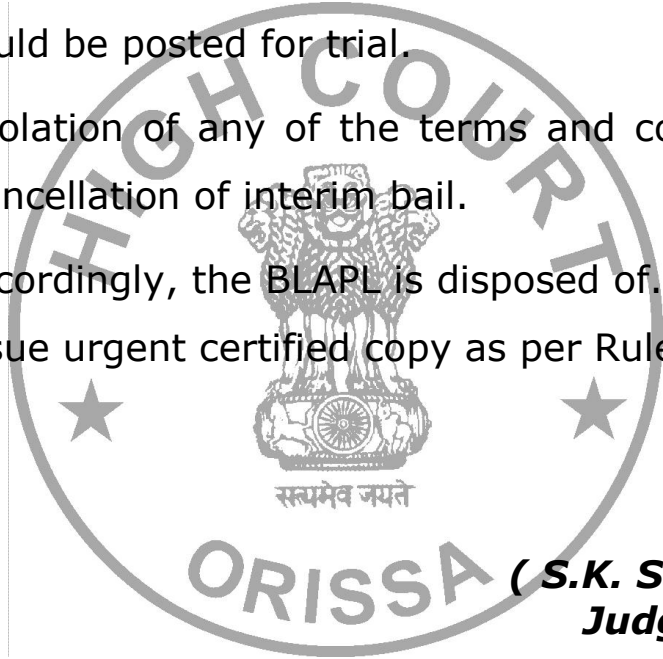
Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the fact that the trial has not commenced and the petitioner is a local man, I am inclined to release the petitioner on interim bail for a period of three 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

RKM