

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2762 of 2022

Anugraha Lima

....

Petitioner

Mr.Devashis Panda, *Advocate*

-versus-

State of Odisha

....

Opp. Party

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

02.09.2022

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. Devashis Panda, learned counsel for the petitioner and learned Addl. Standing Counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Mohana P.S. Case No.129 of 2020 corresponding to G.R. Case No.41 of 2020 pending in the Court of learned Special Judge -cum- Sessions Judge, Gajapati for offences punishable under sections 20(b)(ii)(C)/25 and 29 of the N.D.P.S. Act.

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

16.08.2020 and his earlier bail application in BLAPL No.2242 of 2021 was disposed of as per order dated 09.08.2021 and direction was given to the learned trial Court to expedite the trial and to make every endeavour to conclude the same within a period of six months from the date of framing of charge and the petitioner was granted liberty to renew the prayer for bail, if the trial is not concluded within the said period. Learned counsel further submitted that in the trial Court out of twenty one charge sheet witnesses, only eight witnesses have been examined and he has filed the deposition copies of the witnesses which are taken on record. He further submitted that 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.

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 passed by this Court has not been complied with, 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. 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.

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