

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2830 of 2022

Paula Pani

....

Petitioner

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. A. Das,

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

01.11.2022

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 G.R. Case No.41 of 2020 arising out of Mohana P.S. Case No.129 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Paralakhemundi for offences punishable under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with this case on 17.08.2020 and the petitioner was granted interim bail from 07.12.2021 to 03.01.2022 by this Court in BLAPL No.7964 of 2021

on the ground of ailment of the wife of the petitioner as per the order dated 03.12.2021 and after availing the said interim bail period, he surrendered before the learned Court below at right time. He further submitted that in the meantime, out of twenty charge sheet witnesses, only eight witnesses have been examined in the learned trial Court. He further submitted that the petitioner is a local man and in view of inordinate delay in disposal of the case and the conduct of the petitioner in complying with the conditions of the earlier interim bail order, the petitioner may be granted interim bail for some period.

Status report was called for as per order dated 14.10.2022 and the learned trial Court has furnished the same vide letter dated 25.10.2022 from which it appears that out of twenty charge sheeted witnesses, only eight witnesses have been examined.

Learned counsel for the State has no serious objection.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the terms of the earlier interim bail order, 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. The Inspector in-charge of Mohana 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.

(S.K. Sahoo)
Judge

