

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2456 of 2021

Jaya Khora

.... Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

.... Opp.Party

Mr. Debasis Biswal

Addl. Standing Counsel

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

**ORDER
27.09.2022**

Order No.

09. 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 Machkund P.S. Case No.91 of 2019 corresponding to T.R. Case No.01 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Koraput for offences punishable under sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge -cum- Special Judge, Koraput which was rejected on

22.02.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 31.12.2019 and his earlier bail application in BLAPL No.2962 of 2020 was rejected as per order dated 25.01.2021 and the learned trial Court was directed to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of the order and the petitioner was given liberty to renew the prayer for bail, if the trial is not concluded within the aforesaid period.

It appears that the said order was communicated to the learned trial Court on 10.02.2021.

The status report of the learned trial Court indicates that only one witness has been examined out of seventeen charge sheet witnesses.

As per the order dated 30.06.2022, learned counsel for the petitioner has produced the order sheet of the learned trial Court from 03.03.2022 onwards, it also reveals that no more witness has been examined.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the fact that the earlier order passed by this Court has not been complied with and taking into account the period of detention of the

petitioner in judicial custody and the slow progress of the trial, 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