

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3089 of 2022

Simanchal Mahanandia* *Petitioner

Mr.R.K. Das, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
16.09.2022**

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 Bisam Katak P.S. Case No. 30 of 2019 corresponding to C.T. Case No.26 of 2019 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Gunupur for offences punishable under sections 20(b)((ii)(C) and 29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special

Judge, Gunupur, which was rejected on 28.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.03.2019 and his earlier bail application in BLAPL No.7492 of 2020 was rejected as per order dated 30.03.2021 and direction was given to the learned trial Court to expedite the trial and if possible to conclude the same within a period of six months from the date of receipt of copy of the order and liberty was granted to the petitioner to renew his prayer for bail if the trial is not concluded within the said period. Learned counsel further submitted that since the earlier order of this Court has not been complied with, the petitioner's bail application may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 26.08.2022 and the learned trial Court has furnished the same vide letter dated 07.09.2022 from which it appears that seven witnesses have been examined and the next date of trial has been fixed to 29.09.2022.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial 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, but taking into account the

period of detention of the petitioner in judicial custody, 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 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