

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 3293 of 2022**

***Samir Malick***

*....*

***Petitioner***

*S. Patro, Advocate*

*-versus-*

***State of Odisha***

*....*

***Opp. Party***

*Mr. Rajesh Tripathy,  
Addl. Standing Counsel*

**CORAM:**

**JUSTICE S.K. SAHOO**

**Order No.**

**ORDER**

**15.07.2022**

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

Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Spl. G.R Case No.32 of 2020 arising out of Bhanjanagar P.S. Case No.535 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Bhanjanagar, Ganjam for offence punishable under section 20(b)(ii)(C) of the NDPS Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge, Bhanjanagar, Ganjam which was rejected on 07.04.2022.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 13.10.2020 and when he approached this Court for bail in BLAPL No.552 of 2021, the same was rejected as per order dated 22.02.2021 and liberty was granted to the petitioner to renew his prayer for bail after completion of investigation.

As per the order dated 30.06.2022, the learned trial Court has furnished the status report dated 11.07.2022 from which it reveals that the police paper has not yet been supplied to the petitioner and no charge has been framed. There is no dispute that the petitioner is a local man of village Belatunu, PS-Bhanjanagar in the district of Ganjam.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the slow progress of 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 the expiry of the said three months period.

For the above period, let the petitioner be released on 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 conditions as the learned Court may deem just and proper subject to conditions that he shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence and he shall appear before the learned trial Court on each date when

the case would be posted for trial.

Violation of any of the terms and conditions fixed shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

**( S.K. Sahoo )**  
**Judge**

**BLAPL No. 3293 of 2022**

03

List this matter on 28<sup>th</sup> October 2022.

Learned counsel for the petitioner shall file the surrender certificate of the petitioner by the next date.

**( S.K. Sahoo )**  
**Judge**

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