

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2776 of 2021

Dayanand Mallick

....

Petitioner

Mr. D. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. D.K. Pani,
Addl. Standing Counsel*

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

**ORDER
20.05.2022**

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 for bail under section 439 of Cr.P.C. in connection with Sambalpur Sadar P.S. Case No.24 of 2020 corresponding to T.R. Case No.03 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Sambalpur for alleged commission of offences 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 Sessions Judge -cum- Judge (Special Court), Sambalpur, which was rejected

on 17.02.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 03.02.2020 and his earlier bail application in BLAPL No.4549 of 2020 was disposed of as withdrawn on 19.01.2021. He further submitted that there is no progress in the trial and therefore, the petitioner may be granted interim bail.

Status report was called for from the learned Sessions Judge -cum- Special Court, Sambalpur in connected case i.e. BLAPL No.1719 of 2021 and the learned trial Court submitted its report dated 10.05.2022 wherein it is mentioned that out of twenty eight charge sheet witnesses, only two witnesses have 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 period of detention of the petitioner in judicial custody and the progress of trial so far, 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 as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to come in contact with 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 to which the case would be posted for trial during the interim bail period.

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

RKM