

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3494 of 2022

Guru Khillo

....

Petitioner

Mr. S.K. Rout, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

CORAM:

JUSTICE S.K. SAHOO

ORDER

29.09.2022

Order No.

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

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

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Machhakund P.S. Case No. 91 of 2019 corresponding to T.R. Case No. 01 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput for alleged commission of offence under section 20(b)(ii)(C) 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, Koraput, which was rejected on 11.04.2022.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 01.01.2020 and his earlier bail application in BLAPL No. 2974 of 2020 was rejected as per order dated 25.01.2021 and direction was given to the learned trial Court to conclude the trial within a period of six months from the date of receipt of a copy of the order. Learned counsel further submitted that the petitioner was granted interim bail for a period of one month in BLAPL No. 7429 of 2021 as per order dated 03.12.2021 and he has surrendered at right time after expiry of the said interim bail period. He further submitted that there is no substantial progress in the trial and therefore, in view of inordinate delay in disposal of the trial, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, on the other hand, opposed the prayer for bail.

Status report dated 14.09.2022 of the learned trial Court indicates that out of fifteen charge sheet witnesses, only one witness has been examined so far.

Considering the submissions made by the learned counsel for the respective parties, the progress of trial so far, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the earlier interim bail

order, 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 including the conditions that he shall not indulge in any criminal activities and 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