

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3574 of 2022

Keshaba Behera

.... Petitioner

Mr.Mahes Das, Advocate

-versus-

State of Odisha

.... Opp.Party

Mrs.Susamarani Sahoo

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

11.11.2022

Order No.

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

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

This is an application under section 439 of Cr.P.C. in connection with Sorada P.S. Case No. 65 of 2020 corresponding to Spl. G.R. Case No.11 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Bhanjanagar for offence punishable 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, Bhanjanagar, which was rejected on 30.03.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.03.2022 and

his earlier bail application in BLAPL No.5656 of 2021 was rejected as per order dated 18.11.2021. Learned counsel further submitted that till date only four witnesses have been examined in the learned trial Court and in view of the inordinate delay in disposal of the trial, the petitioner may be granted interim bail for some period.

Learned counsel for the State on verifying the case records, fairly submitted that there is no criminal antecedent against the petitioner.

Status report was called for as per order dated 27.09.2022 and the learned trial Court has furnished the same vide letter dated 12.10.2022 from which it appears that out of fourteen charge sheet witnesses, only two witnesses have been examined and the case was posted to 18.02.2022.

Learned counsel further submitted that on 18.02.2022 another two witnesses have been examined and that is how the total number of witnesses examined has become four.

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 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.

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.

ORISSA

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

PKSahoo