

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3038 of 2021

Rajiv Kumar Patra ***Petitioner***

Mr.Anirudha Das, Advocate

-versus-

State of Odisha ***Opp. Party***

Mr.A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

10. 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 T.R. Case No.222 of 2020 arising out of Khandagiri P.S. Case No.285 of 2020 pending in the Court of learned Additional Special Judge (NDPS), Bhubaneswar 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 Additional Special Judge (NDPS), Bhubaneswar, which was rejected on 02.03.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 26.05.2020 and out of

twenty charge sheet witnesses, only two witnesses have been examined so far and the petitioner was granted interim bail for a period from 10.11.2021 to 21.11.2021 as per the order of this Court dated 09.11.2021 and after availing the same, he has surrendered before the learned trial Court at right time and in view of delayed disposal of the trial, the petitioner may be granted interim bail.

As per order dated 31.03.2022, the learned trial Court has submitted the status report from which it appears that till date only two witnesses have been examined and the petitioner after availing the interim bail period, has surrendered at right time. It is further reported that at present no Presiding Officer is posed for the said Court.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, since there was specific direction of this Court in the earlier bail application of the petitioner in BLAPL No. 4126 of 2020 as per order dated 09.02.2021 to conclude the trial, which has not been carried out, at this stage, 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 and shall appear before the Inspector in-charge of Khandagiri police station once in a week 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

PKSahoo