

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3061 of 2021

Akul Mistry

....
Mr.N.R. Sahoo, Advocate

Petitioner

-versus-

State of Odisha

....

Opp. Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:
JUSTICE S.K. SAHOO

ORDER

15.07.2022

Order No.

06.

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 T.R Case No.155 of 2019 arising out of Kalimela P.S. Case No.186 of 2019 pending in the Court of learned Sessions Judge -cum- Special Judge, Malkanagiri 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 Sessions Judge -cum- Special Judge, Malkanagiri, which was rejected on 02.02.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody on since 25.04.2020 and when he approached this Court for bail in BLAPL No.3875 of 2020, the same was rejected as per order dated 15.12.2020 and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses in the trial Court.

As per the order dated 30.06.2022, the learned trial Court has furnished the status report dated 14.07.2022 from which it reveals that out of thirteen charge-sheeted witnesses, only one witness has been

examined and the trial of the case has been adjourned to 06.09.2022 for hearing. There is no dispute that the petitioner is a local man of village M.V.-19, PS-Kalimela in the district of Malkanagiri.

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.3061 of 2021

07.

List this matter on 28th October 2022.

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

(S.K. Sahoo)
Judge

PKSahoo