

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3933 of 2022

Santosh Kumar Bagarti @ Petitioner
Santosh Bagarti

Mr.A. Das, Advocate

-versus-

State of Odisha Opp. Party

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

02.09.2022

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 under section 439 of Cr.P.C. in connection with C.T. Case No.18 of 2020 arising out of Gochhapada P.S. Case No.17 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Phulbani for offences punishable under sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.03.2020 and his earlier bail application in BLAPL No. 4358 of

2020 has been rejected as per order dated 12.01.2021 and direction was given to the learned trial Court to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of the order.

The status report was called for as per order dated 22.07.2022 and the learned trial Court has furnished the same vide letter dated 26.07.2022 from which it appears that out of twenty two charge sheet witnesses, three witnesses have been examined and the petitioner is a local man and there is no chance of absconding and therefore, he may be granted interim bail for some time.

Learned counsel for the State has 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 since the earlier order passed by this Court has not been complied with, 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 while on interim bail, the petitioner shall appear before the learned trial Court on each date to which the case would be posted for trial and shall not tamper with the witnesses.

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