

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.4001 of 2022**

***Pata Mallick***

***....***

***Petitioner***

*Mr. A.R. Panda, Advocate*

*-versus-*

***State of Odisha***

***....***

***Opp. Party***

*Mr. Debasis Biswal,  
Addl. Standing Counsel*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
23.09.2022**

**Order No.**

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 Raikia P.S. Case No.84 of 2020 corresponding to C.T. Case No.72 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Balliguda for offences punishable under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge -cum- Additional Sessions Judge, Balliguda which was

rejected on 25.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 21.11.2020 and his earlier bail application in BLAPL No.110 of 2021 was rejected as per order dated 06.11.2021 and the learned trial Court was directed 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 and liberty was given to the petitioner to renew the prayer for bail, if the trial is not concluded within the aforesaid period. Learned counsel further submitted that till date, there is no progress in the trial and therefore, the petitioner may be granted interim bail for some period.

Perused the status report submitted by the learned trial Court dated 05.08.2022 from which it appears that the examination of the witnesses has not commenced even though the charge has been framed.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

Considering the submissions made by the learned counsel for the respective parties, the fact that the earlier order passed by this Court has not been complied with and 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 as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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**