

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3254 of 2021

Banoj Behera

....

Petitioner

Mr.Manas Chand, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.S.S. Pradhan,
Addl. Government Advocate*

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

**ORDER
11.03.2022**

Order No.

07.

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 for bail under section 439 of Cr.P.C. in connection with Harabhanga P.S. Case No. 123 of 2020 corresponding to Special NDPS Case No. 38 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Boudh for alleged commission of offence 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 Sessions Judge -cum- Special Judge, Boudh, which was rejected on

16.04.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 12.09.2020 and his earlier bail application in BLAPL No. 7592 of 2020 was rejected on merit by this Court as per order dated 30.03.2021.

On the submission of the learned counsel for the petitioner that there is no progress of trial, status report was called for from the learned trial Court and the learned trial Court submitted its report dated 04.03.2022 in which it is also mentioned that charge sheet has already been submitted since 02.03.2021 showing the co-accused Sujan Behera as absconder, but since the absconding accused has not been apprehended, there is no progress of trial.

In that view of the matter, the learned trial Court is directed to take steps to split up the case against the absconding accused and proceed with the case of the petitioner and on the next date, he will make every endeavour to frame the charge, if there is no other impediment.

Taking into account the period of detention of the petitioner in judicial custody and the fact that the trial of the case has not commenced and taking note of the submission made by the learned counsel for the State that the petitioner is having no criminal antecedents, 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 not try to come in contact with the prosecution witnesses or tamper with the evidence, shall not indulge in any criminal activities, 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