

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3343 of 2021

Pramod Kudei

....

Petitioner

Mr.Mahes Das, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO
ORDER
10.01.2022**

Order No.

04. This matter is taken up through video conferencing 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 C.T. Case No.52 of 2017 arising out of G.Udayagiri P.S. Case No.35 of 2017 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Balliguda 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 Addl. Sessions Judge -cum- Special Judge, Balliguda, which was rejected on

15.04.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 13.04.2017 and till date out of twenty three charge sheet witnesses, only ten witnesses have been examined and the last witness, i.e. P.W.10 was examined on 28.07.2021. He further submitted that the petitioner was granted interim bail for a period of three months when he approached this Court for bail in BLAPL No. 2596 of 2018 mainly because of slow progress of trial and he was supposed to surrender on 11.02.2019, but he could not surrender for which non-bailable warrant of arrest was issued against him and he was taken into custody on 12.06.2019.

Learned counsel for the State 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 progress of trial so far particularly keeping in view the situation which is prevailing in the learned trial Court on account of surge of Covid-19 pandemic, 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 and 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

PKSahoo