

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4280 of 2022

Belia @ Sushant Majhi* *Petitioner

Mr. J. Samantaray, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
02.09.2022**

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 Khurda Model P.S. Case No.444 of 2020 corresponding to T.R. Case No.60 of 2020 pending in the Court of learned 2nd Additional Sessions Judge, Khurda for offences punishable under sections 21(c)/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned 2nd Additional Sessions Judge, Khurda which was rejected on 19.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since

09.12.2020 and his earlier bail application in BLAPL No.702 of 2021 was rejected as per order dated 09.11.2021 and the learned trial Court was directed to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order. Learned counsel further submitted that the petitioner is a local man and since the earlier order of this Court has not been carried out, the petitioner may be granted interim bail for some period. Learned counsel for the petitioner has filed the deposition copies of the witnesses, which are taken on record.

The status report submitted by the learned trial Court dated 04.08.2022 indicates that out of sixteen charge sheet witnesses, three witnesses have been examined so far.

Learned counsel for the State opposed the prayer for bail and submitted that the petitioner has got no criminal antecedent.

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 and the progress of the trial so far as per the status report, 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