

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4568 of 2022

Jagannath Sahu **Petitioner**

Mr. Trilochan Nanda, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

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

**ORDER
28.09.2022**

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 Tusura P.S. Case No.62 of 2020 corresponding to Special G.R. Case No.42 of 2020 pending in the Court of learned Sessions Judge - cum- Special Judge, Bolangir for offence punishable 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, Bolangir, which was rejected on 11.05.2022.

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

01.05.2020 and his earlier bail application in BLAPL No. 4004 of 2021 has been rejected as per order dated 05.11.2021 and direction has been given to the learned trial Court 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 and the petitioner was given liberty to renew his prayer for bail if the trial is not concluded within the said period. He further submitted that in the learned trial Court only twelve witnesses have been examined so far out of total twenty two charge sheet witnesses and therefore, in view of the delayed disposal of trial, the petitioner may be granted interim bail for some time.

Learned counsel for the State has opposed the prayer for bail.

On perusal of the status report dated 04.08.2022 furnished by the learned trial Court, it appears that twelve witnesses to the seizure including the informant and six witnesses to the search and seizure have been examined and the case was posted to 05.08.2022.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the fact that the earlier order passed by this Court in BLAPL No. 4004 of 2021 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 he 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 during the interim bail period.

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