

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3690 of 2021

Irfan Khan

....

Petitioner

Mr. Amit Biswal on behalf of Mr. R.N. Biswal, Advocate

-versus-

State of Odisha

....

Opp. Party

Ms. S. Mishra, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER
29.3.2022

Order No.

06.

1. Heard Mr. A. Biswal on behalf of Mr. R.N. Biswal, learned counsel for the Petitioner and Ms. S. Mishra, learned Additional Standing Counsel.

2. Ms. Mishra submits on instruction that the mother of the Petitioner is a permanent resident of village- Jamuware, P.S.- Narayani, District – Bonda, Uttar Pradesh.

3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Irfan Khan in connection with Bhawanipatna P.S. Case No.72 of 2018 corresponding to C.T. Case No.2 of 2018 pending in the court of learned Additional Sessions Judge, Kalahandi, Bhawanipatna for alleged commission of offence under Section 20(b)(ii)(C) of the N.D.P.S. Act for alleged possession of contraband weighing 3856 kg. 745 grams.

4. It is submitted on behalf of the Petitioner that his prayer for bail be confined for interim bail for a period of fifteen days and

considering his long detention since 23rd March, 2018, he may be released on interim bail for fifteen days in order to facilitate treatment of his ailing mother.

5. Mr. Biswal further submits that the mother and the wife of the Petitioner both, having enough landed property, are sufficiently solvent to stand as surety for the Petitioner in the event of his interim release. He further suggests to keep the mother or wife of the Petitioner as one of the sureties in such event.

6. This court in earlier order dated 7th January, 2020 passed in BLAPL No.5653 of 2019 has though directed for early completion of trial, but the same has not yet commenced as per submission of the Petitioner.

7. After hearing Ms. Mishra, learned Additional Standing Counsel for State and considering the long detention of the Petitioner inside custody since 23rd March, 2018 and the delay in commencement of trial, it is directed to release the Petitioner on interim bail for a period of fifteen days from the date of his release on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioner shall furnish two sureties out of whom one shall be his relative preferably the mother or wife of the Petitioner as per submissions made on behalf of the Petitioner. Further the Petitioner shall appear before the trial court on each date fixed and shall not be involved in any other offence while on bail.

8. It is made clear that the Petitioner shall surrender himself on or before 11th April, 2022, failing which learned court below shall take

all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

9. The BLAPL is accordingly disposed of.

10. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

