

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4675 of 2022

Rajesh Nayak

....

Petitioner

Mr.T.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal

Addl. Standing Counsel

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

ORDER

23.09.2022

Order No.

04.

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 for bail under section 439 of Cr.P.C. in connection with Cuttack Excise E.I. & E.B. Unit-II P.R. No.168 of 2020-21 corresponding to 2(a) C.C. Case No.15 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Cuttack for alleged commission of offence under section 20(b)(ii)(C) of the N.D.P.S. Act.

It is the contention of the learned counsel for the petitioner that the petitioner is in judicial custody since 24.03.2021 and when he approached this Court earlier in BLAPL No.2574 of 2021, the same was disposed of as withdrawn as per the order dated 21.12.2021. Learned counsel for the petitioner further submitted that out of

three charge sheet witnesses, only one witness has been examined in the learned trial Court and he has not supported the prosecution case.

The status report submitted by the learned trial Court dated 26.06.2022 indicates that only one witness has been examined in the trial Court.

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 the slow progress of the trial, 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 following conditions:

- (i) While on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence;

- (ii) He shall not indulge in any criminal activities;
- (iii) He 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



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