

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3739 of 2021

Baidyanath Tanti* *Petitioner

Mr.A.R. Panda, 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.

05. 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 T.R. Case No.73 of 2020 arising out of Boipariguda P.S. Case No.115 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Koraput, Jeypore 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 Special Judge, Korpaut, Jeypore, which was rejected on 14.10.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 28.09.2020 and his earlier bail application in BLAPL No. 7743 of 2020 was rejected as per order dated 31.03.2021 and direction was given to the learned trial Court to conclude the trial within a period of six months from the date of framing of charge. It is further submitted that in spite of such direction, there is no progress in the trial and therefore, the petitioner may be granted interim protection.

As per order dated 11.12.2021 status report was called for from the learned trial Court and the learned trial Court submitted its report dated 15.12.2021 in which it was mentioned that the case was posted to 21.12.2021 for supply of police papers to the accused persons for consideration of charge.

Learned counsel for the State opposed the prayer for bail.

In view of such state of affairs and further taking into account the period of detention of the petitioner in judicial custody, absence of any progress of the trial and since the earlier order of this Court dated 31.03.2021 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 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.

(S.K. Sahoo)
Judge

PKSahoo