

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4954 of 2022

Tapan Badhoi

.... Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

.... Opp. Party

Mrs. Susamarani Sahoo

Addl. Standing Counsel

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

**ORDER
21.10.2022**

Order No.

03. 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 Chitrakonda P.S. Case No.140 of 2019 corresponding to T.R. Case No.138 of 2019 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Malkangiri 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 Additional Sessions Judge -cum-

Special Judge, Malkangiri which was rejected on 19.05.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.11.2019 and his earlier bail application in BLAPL No.4922 of 2020 was rejected as per order dated 20.01.2021 and the learned trial Court was directed to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of the order.

On perusal of the status report dated 04.10.2022 submitted by the learned trial Court, it indicates that out of fifteen charge sheet witnesses, only one witness has been examined.

Learned counsel for the petitioner submitted that the petitioner is a local man and he may be granted interim bail for some period.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

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 slow progress of the trial, 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