

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4120 of 2021

Madhusudan Rout @ Muna Petitioner

Mr.S.D. Das, Senior Advocate

-versus-

State of Odisha Opp. Party

*Mr. A.Das,
Addl. Government Advocate*

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

**ORDER
30.06.2022**

Order No.

08. 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 Balliguda P.S. Case No.175 of 2020 corresponding to C.T. Case No.53 of 2020 pending in the Court of learned Addl. Sessions Judge –cum- Special Judge, Balliguda for alleged commission of offences under sections 20(b)(ii)(C)/25 and 29 of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 29.09.2020 and his earlier bail application in BLAPL No.1432 of

2021 was rejected as per order dated 16.03.2021 and direction was 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 granted liberty to renew his prayer for bail if the trial is not concluded within the said period. Learned counsel further submitted that even though copy of the order was communicated to the learned trial Court on 13.04.2021, but there is no progress in the trial and therefore, the bail application of the petitioner may be favourably reconsidered.

Status report was called for as per order dated 20.05.2022 and the learned trial Court has furnished the same vide letter dated 23.06.2022 from which it indicates that out of twenty one charge sheet witnesses, only five witnesses have been examined.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and since the earlier order dated 16.03.2021 passed in BLAPL No. 1432 of 2021 has not been complied with, at this stage, 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 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 that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

Violation of any 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