

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5536 of 2022

Mir Roshan Alli

.... Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

.... Opp.Party

Mr. Arupananda Das

Additional Govt. Advocate

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

**ORDER
15.11.2022**

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. सत्यमेव जयते

This is an application under section 439 of Cr.P.C. in connection with Kakatpur P.S. Case No. 215 of 2020 corresponding to T.R. Case No.31 of 2021 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Nimapara for offences punishable under sections 21(c)/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge, Nimapara, which was rejected on 29.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.11.2020 and

his earlier bail application in BLAPL No.5935 of 2021 was rejected as per order dated 07.02.2022 on merits. He further submitted that out of seventeen charge sheet witnesses, only seven witnesses have been examined so far in the learned trial Court and the petitioner is a local man and therefore, there is no chance of absconding and therefore, the petitioner may be granted interim bail for some time on account of delayed disposal of trial. He files the deposition copies of the witnesses examined so far in the learned trial Court with a memo, which are taken on record.

Learned counsel for the State on verifying the case records, fairly submitted that there is no criminal antecedent against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the progress of trial so far and the fact that the petitioner is a local man and there is no chance of absconding, 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.

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.



PKSahoo