

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5827 of 2022

Mangala Charan Sahu* *Petitioner

Mr. B.R. Das, Advocate

-versus-

State of Odisha* *Opp.Party

Mrs. Susamarani Sahoo
Addl. Standing Counsel

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

**ORDER
21.10.2022**

Order No.

02.

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 Pattapur P.S. Case No.24 of 2020 corresponding to G.R. Case No.09 of 2020(N) pending in the Court of learned 3rd Additional Sessions Judge, Berhampur 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 3rd Additional Sessions Judge, Berhampur which was rejected on 08.06.2022.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 04.02.2022 and he was granted interim bail for a period of three months in BLAPL No.8646 of 2021 as per order dated 18.02.2022 and after availing the same, he surrendered at right time. He further submitted that there is no such progress in the trial and therefore, the petitioner may be granted interim bail for some period.

Status report dated 30.09.2022 submitted by the learned trial Court indicates that out of eighteen charge sheet witnesses, only three witnesses have been examined.

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 period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier order of interim bail granted by this Court and taking into account the progress of the trial so far as per the status report submitted by the learned trial Court, 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

and with further 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, 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 and he shall appear before the Inspector in-Charge of Pattapur police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m. The Inspector in-Charge of Pattapur police station shall keep close vigil over the activities of the petitioner while on interim bail.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Pattapur police station to do the needful.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge