

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5120 of 2021

Kapileswar Pradhan* *Petitioner

Mr.Manas Chand, Advocate

-versus-

State of Odisha* *Opp. Party

Mr.A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

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.

This is an application under section 439 of Cr.P.C. in connection with Kantamal P.S. Case No. 107 of 2020 corresponding to Special Case No. 31 of 2020 (N.D.P.S. Act) pending in the Court of learned Sessions Judge -cum- Special Judge, Boudh 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 Addl. Sessions Judge -cum- Special Judge, Boudh, which was rejected on 20.05.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.08.2020 and his earlier

bail application in BLAPL No.7090 of 2020 was rejected as per order dated 05.04.2021 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 and liberty was granted to the petitioner to renew his prayer for bail if the trial is not concluded within the said period. Learned counsel further submitted that in view of delayed disposal of the trial, the prayer for bail of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 25.02.2022 and the learned trial Court has furnished the same vide letter dated 05.03.2022 from which it appears that charge was framed on 13.08.2021 and out of fifteen charge sheet witnesses, two witnesses have been examined.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, 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.

(S.K. Sahoo)
Judge

PKSahoo

