

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5154 of 2021

Sanchaya Digal @ ***Petitioner***
Sanchay Diggall

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
08.07.2022**

Order No.

06. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned Addl. Standing counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with T.R. Case No.357 of 2020 pending in the Court of learned Special Judge -cum- Sessions Judge, Khurda for alleged commission of offence 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 Addl. Sessions Judge, Bhubaneswar, which was rejected on 11.06.2021

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 03.09.2020 and his

earlier bail application in BLAPL No. 7457 of 2020 was disposed of on 30.03.2021 and while rejecting the bail application, this Court directed the learned trial Court to expedite the trial and take steps for examination of the material witnesses at the first instance and the petitioner was given liberty to renew his prayer after examination of the material witnesses.

Learned counsel for the petitioner submitted that as on the date, only one witness has been examined.

As per the order dated 30.06.2022, learned counsel for the State was asked to verify regarding availability of any criminal antecedent against the petitioner.

Today, Mr. Tripathy, learned counsel for the State has produced the written instruction which indicates that the petitioner has got no criminal antecedent.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial and the fact that there is no criminal antecedent against the petitioner, 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. 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 including the following conditions :

- (i) While on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence;
- (ii) He shall not indulge in any criminal activities;
- (iii) He shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period;

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.

