

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5304 of 2021

Asraf Ali @ Nanhak* *Petitioner

Mr.S.K. Rout, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.Debasis Biswal,
Addl. Standing Counsel*

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

**ORDER
29.07.2022**

Order No.

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

Heard the 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 T.R. Case No.26 of 2020 arising out of Machhakund P.S. Case No.55 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Koraput for offences punishable under sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned of learned Sessions Judge -cum- Special Judge, Koraput, which was rejected on 07.06.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 04.06.2020 and his earlier bail application in BLAPL No. 5818 of 2020 was rejected as per order dated 10.11.2020 and liberty was granted to the petitioner to renew the prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel further submitted that in the learned trial Court out of twelve charge sheet witnesses, five witnesses have been examined.

Perused the status report furnished by the learned trial Court.

As per the order of this Court, learned counsel for the State has produced the written instruction received from the Officer in-charge of Machkund police station dated 21.07.2022 in which it is mentioned that the name and address of the petitioner is correct and the documents filed by the local sureties as well as the persons concerned are found to be genuine. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the progress of trial so far, 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. 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.2,00,000/- (rupees two lakhs) 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 conditions that while on interim bail, the petitioner shall appear before the learned trial Court on each date to which the case would be posted for trial, shall not indulge in any criminal activities and shall not tamper with the witnesses. If the local solvent sureties, namely, Dhabulu Harijan and Krushna Khara file bail bonds along with other required documents, then only the same shall be accepted.

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.

(S.K. Sahoo)
Judge

