

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5477 of 2021

Akshaya Kumar Nayak* *Petitioner

Mr. S.K. Mishra, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
21.10.2022**

Order No.

06. 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 for bail under section 439 of Cr.P.C. in connection with Gangpur P.S. Case No.21 of 2019 corresponding to G.R. Case No.01 of 2019 (N) pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Aska for alleged commission of offence under section 20(b)(ii)(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 28.10.2020 and he is the owner of the offending truck bearing Registration No. OR 04 L 4429 and the

petitioner was not present in the vehicle when the contraband ganja was seized and till date, not a single witness has been examined in the learned trial Court and his earlier bail application in BLAPL No.9595 of 2020 was rejected as per order dated 01.03.2021 and the learned trial Court was directed to expedite the trial and the petitioner was granted liberty to renew his prayer for bail after examination of the material witnesses in the learned trial Court.

As per order dated 26.08.2022, learned trial Court has submitted the status report dated 10.10.2022, which indicates that till date, not a single witness has been examined in the case.

Learned counsel for the State opposed the prayer for bail.

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.

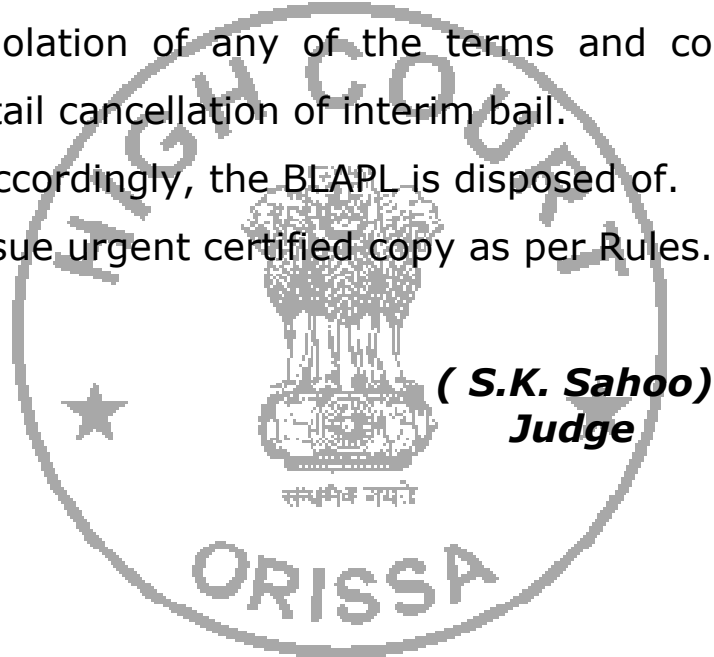
For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the

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 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 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.



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