

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5684 of 2021

Arjun Singh

....

Petitioner

Mr. M. Chand, Advocate

-versus-

State of Odisha

....

Opp. Party

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

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

ORDER

11.02.2022

Order No.

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

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

This is an application under section 439 of Cr.P.C. in connection with Special Case (N.D.P.S.) No.59 of 2017 arising out of Manamunda P.S. Case No.73 of 2017 pending in the Court of learned Sessions Judge -cum- Special Judge, Boudh for alleged commission of 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 Special Judge, Boudh which was rejected on 29.06.2021.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 22.04.2017. When the petitioner approached this Court last time in BLAPL No.8446 of 2019, bail and his bail application was rejected as per order dated 19.02.2021 and taking note of the fact that there was an earlier direction to conclude the trial within a specific period, which was not complied with, the learned trial Court was directed to expedite the trial and conclude the same within a period of three months from the date of receipt of this order and the petitioner was given liberty to renew the prayer for bail, if the trial is not concluded within the aforesaid period. The said order was communicated to the learned trial Court by this Court on 05.04.2021. It is contended by the learned counsel for the petitioner that out of seventeen charge sheet witnesses, only eleven witnesses have been examined so far and one witness is dead and since the learned trial Court has failed to comply the order of this Court, the petitioner may be granted interim bail for some time.

Learned counsel for the State though does not dispute about the period of detention of the petitioner in judicial custody but submitted that the petitioner is a man of Bihar and once he is enlarged on bail, it would be very difficult to ensure his attendance at the time of trial.

Considering the submissions made by the learned counsel for the respective parties and in view of the available material on record, 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 the expiry of the said period.

For the above period, let the petitioner be released on 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 Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper with further conditions that the petitioner shall furnish cash security of Rs.50,000/- (rupees fifty thousand) at the time of his release on bail. The cash security, if deposited, shall be kept in short term fixed deposit scheme in any Nationalized Bank which shall be renewed from time to time till he surrenders.

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

If the petitioner surrenders in right time, the cash security amount shall be refunded to him.

Accordingly, the BLAPL is disposed of.

A copy of the order be communicated to the learned trial Court for compliance.

(S.K. Sahoo)
Judge

