

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6683 of 2022

***Shekh Sabir @ Sekh Sabir @
Kalia Khan*** ***Petitioner***

Mr. P.K. Nayak, Advocate

-versus-

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

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
27.10.2022**

Order No.

I.A. No.1825 of 2022

03.

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

This is an application for correction of the cause title.

Learned counsel for the petitioner submitted that the correct name of the petitioner is 'Sabbir@Sekh Sabbir @ Kalia Khan' but inadvertently in the cause title it has been mentioned as 'Shekh Sabir @ Sekh Sabir @ Kalia Khan' and he may be permitted to correct the same.

Permission is granted.

The I.A. stands disposed of.

**(S.K. Sahoo)
Judge**

BLAPL No.6683 of 2022

04. 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 S.A. Case No.88 of 2019 arising out of Khariar P.S. Case No.274 of 2018 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Nuapada for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on 10.12.2018 and the petitioner was granted interim bail for a period of three months by this Court in BLAPL No.11112 of 2021 as per the order dated 04.03.2022 and after availing the said interim bail period, he surrendered before the learned Court below at right time. He further submitted that the petitioner is a local man and in view of inordinate delay in disposal of the case and the conduct of the petitioner in complying with the conditions of the earlier interim bail order, the petitioner may be granted interim bail for some period.

Status report was called for as per order dated 29.09.2022 and the learned trial Court has furnished the same vide letter dated 10.10.2022 from which it appears that out of twenty four charge sheeted witnesses, seventeen witnesses have been examined

so far.

Perused the surrender certificate which reveals that the petitioner complied with the earlier bail order.

Learned counsel for the State has no serious objection.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the conduct of the petitioner in complying with the terms of the earlier interim bail order, at this stage, 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 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 during

the period of interim bail. The Inspector in-charge of Khariar police station shall keep a close vigil over the activities of the petitioner during the interim bail period.

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



P