

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6044 of 2021

Thomas Nayak ***Petitioner***

Mr. J.K. Panda, Advocate

-versus-

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

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
27.09.2022**

Order No.

02. 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 under section 439 of Cr.P.C. in connection with Mohana P.S. Case No.189 of 2019 corresponding to G.R. Case No.56 of 2019 pending in the Court of learned Special Judge, Gajapati at Paralakhemundi for 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, Gajapati, Paralakhemundi which was rejected on 19.07.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 22.10.2019 and his earlier bail application in BLAPL No.4759 of 2020 was disposed of on 03.02.2021 as withdrawn. He further submitted that out of eight charge sheet witnesses, only four witnesses have been examined so far in the trial Court and in view of the delayed disposal of the trial, the petitioner may be granted interim bail for some time and as he is a local man, there is no chance of absconding.

Perused the status report dated 17.09.2022 submitted by the learned trial Court from which it appears that out of eight witnesses, four witnesses have been examined.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the delay in disposal of the case, at this stage, 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 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

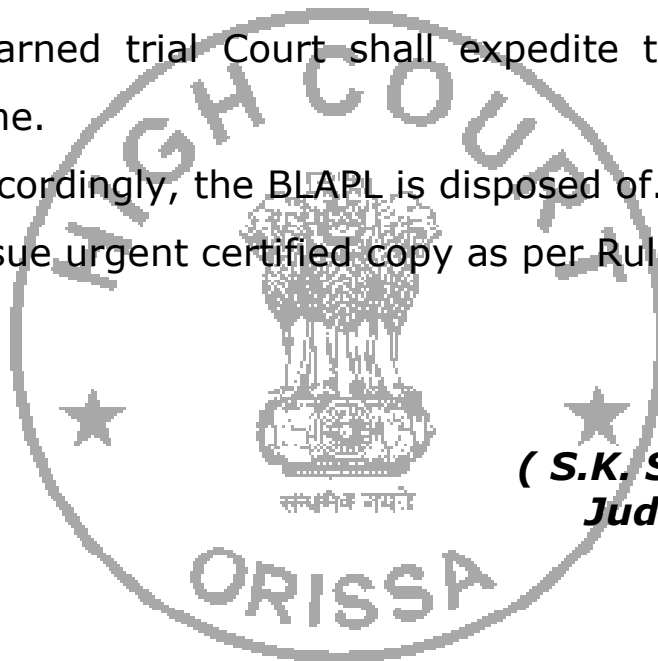
bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions that while on interim bail, the petitioner shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial.

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

Learned trial Court shall expedite the trial in the meantime.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.



(S.K. Sahoo)
Judge

RKM