

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6113 of 2021

Najinga Mallick

....

Petitioner

Mr.B.P.Chhualsingh, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P. Patra,

Addl. Standing Counsel

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

**ORDER
11.03.2022**

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 C.T. Case No.21 of 2020 arising out of Tumudibandha P.S. Case No.44 of 2020 pending in the Court of learned Special Judge -cum- Additional Sessions Judge, Balliguda for offences punishable under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge -cum- Additional Sessions Judge, Balliguda, which was rejected on 22.07.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 30.05.2020 and his earlier bail application in BLAPL No.4206 of 2020 was rejected as per order dated 27.01.2021 and direction was issued to the learned trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of the order. It is further submitted that only two witnesses have been examined out of nineteen charge sheet witnesses. It is further submitted that one of the co-accused, namely, Pitara Digal has also been granted interim bail on account of delayed trial and therefore, the petitioner may be granted interim bail for some time.

It appears from the status report in BLAPL No. 6970 of 2021 which was disposed of on 10.01.2022 that only two witnesses were examined out of nineteen charge sheet witnesses.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of the trial, 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 on 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.

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.

PKSahoo

(S.K. Sahoo)
Judge