

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7107 of 2022

Tapas Mandal

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
16.12.2022**

Order No.

03. 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 Cr.P.C. in connection with Malkangiri Excise P.R. No.60 of 2017 corresponding to T.R. Case No.23 of 2018 pending in the file of learned Sessions Judge -cum- Special Judge, Malkangiri for alleged commission of offence under section 20(b)(ii)(B) of the N.D.P.S. Act.

The prayer for bail of the petitioner has been rejected by the learned Special Judge, Malkangiri vide order dated 06.07.2022.

Learned counsel for the petitioner submitted that

the petitioner was on bail but due to non-taking of steps on the date fixed, non-bailable warrant of arrest was issued against him and by virtue of which he was taken into judicial custody on 05.07.2022 and since then he is in custody. He further submits that the petitioner is ready and willing to cooperate with the learned trial Court for early disposal of the case and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State has produced the written instruction dated 16.12.2022 from the Inspector of Excise, Malkangiri to the effect that the petitioner is having no criminal antecedent. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the fact that the petitioner was earlier on bail and taking into account the period of detention in judicial custody, I am of the opinion that it is a fit case for grant of bail to the petitioner.

Let the petitioner be released on 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 to ensure his presence during trial

with further condition that the petitioner shall appear before the trial Court on each date when the case would be posted for trial.

Violation of any of the terms and conditions fixed shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



RKM