

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6222 of 2021

Saheb Khilla

....

Petitioner

Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D.K. Pani,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

13.05.2022

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

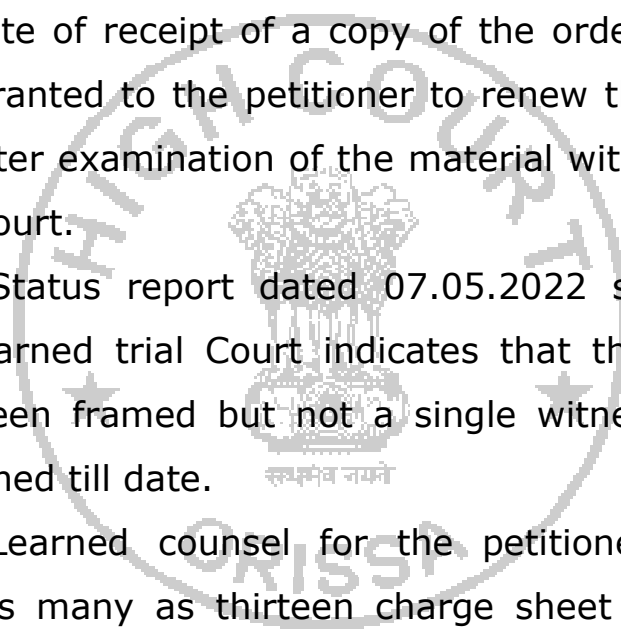
Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Mathili P.S. Case No.135 of 2019 corresponding to Special T.R. Case No.107 of 2019 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Malkangiri for alleged commission of offence 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 Additional Sessions Judge -cum- Special Judge, Malkangiri, which was rejected

on 22.07.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.09.2019 and the earlier bail application of the petitioner in BLAPL No.4925 of 2020 was disposed as per dated 20.01.2021 and while rejecting the application for bail, the learned trial Court was directed to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of the order and liberty was granted to the petitioner to renew the prayer for bail after examination of the material witnesses in the trial Court.

Status report dated 07.05.2022 submitted by the learned trial Court indicates that though charge has been framed but not a single witness has been examined till date. 

Learned counsel for the petitioner submitted that as many as thirteen charge sheet witnesses in the case.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the fact that there is no progress in the trial except framing of charge, 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. 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 as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to come in contact with 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 to which the case would be posted for trial.

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