

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6231 of 2021

Kusha Patnia

....

Petitioner

Mr.N. Lenka, 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.

04.

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

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

This is an application for bail under section 439 of Cr.P.C. in connection with Koraput Sadar P.S. Case No. 104 of 2020 corresponding to T.R. No. 52 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput 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 Addl. Sessions Judge -cum- Special Judge, Koraput, which was rejected on 05.07.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 01.09.2020 and his

earlier bail application in BLAPL No. 7577 of 2020 was disposed of on 30.03.2021 and while rejecting the bail application, this Court directed the learned trial Court to expedite the trial and if possible to complete the same within a period of six months from the date of receipt of a copy of the order and the petitioner was given liberty to renew his prayer for bail if the trial is not concluded within the said period.

On the submission made by the learned counsel for the petitioner that there is no such progress in the trial, status report was called for from the learned trial Court and the learned trial Court furnished the status report which is dated 07.03.2021 from which it appears that out of seventeen charge sheet witnesses, only one witness has been examined so far.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial and the period of detention of the petitioner in judicial custody and the fact that there is no criminal antecedent against the petitioner as submitted by the learned counsel for the State, 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 including the following conditions :

- (i) While on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence;
- (ii) He shall not indulge in any criminal activities;
- (iii) He shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period;

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

PKSahoo

