

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6307 of 2021

Debendra Khora **Petitioner**

Mr. P.K. Sahoo, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

06. 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 Baipariguda P.S. Case No.170 of 2019 corresponding to T.R. Case No.74 of 2019 pending in the Court of learned Sessions Judge -cum- Special Judge, Koraput at Jeypore 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 Special Judge, Koraput-Jeypore, which was rejected on 16.07.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 28.11.2019 and while rejecting the last bail application of the petitioner in BLAPL No.4331 of 2020 as per order dated 09.02.2021, 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 the order and liberty was granted to the petitioner to renew the prayer for bail, if the trial is not concluded within the aforesaid period. He further submitted that till date, no progress has been made and therefore, the bail application of the petitioner may be favourably considered.

The status report dated 17.02.2022 submitted by the learned Sessions Judge -cum- Special Judge, Koraput-Jeypore indicates that one co-accused, namely, Sada Khora was granted interim bail but he has absconded and non-bailable warrant of arrest was issued against him and the case was posted to 03.03.2022 for production of the said co-accused.

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 progress of trial so far, 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, 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 and he shall appear before the Inspector in-Charge of Baipariguda police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m. The Inspector in-Charge of Baipariguda police station shall keep close vigil over the activities of the petitioner while on interim bail.

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

Accordingly, the BLAPL is disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Baipariguda police station to do the needful.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

RKM

