

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7518 of 2022

Chetan Nayak

.... Petitioner

Mr. P.K. Patra, Advocate

-versus-

State of Odisha

.... Opp.Party

Mrs. Susamarani Sahoo
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
15.11.2022

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 of Cr.P.C. in connection with Phiringia P.S. Case No.44 of 2020 corresponding to C.T. Case No.32 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Phulbani 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, Phulbani which was rejected on 19.07.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 17.06.2020 and this is the third successive bail application of the petitioner and on the ground of delay disposal of the trial, the petitioner was granted interim bail for a period of three months in BLAPL No.8068 of 2021 as per order dated 31.03.2022 and after availing the same, he surrendered on 05.07.2022.

Perused the status report dated 10.10.2022 submitted by the learned trial Court from which it appears that out of nineteen charge sheet witnesses, ten witnesses have been examined. However, learned counsel for the petitioner has filed the certified copy of the depositions of thirteen witnesses examined so far in the trial Court.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the progress of the trial so far and the conduct of the petitioner in complying with the earlier order of interim bail granted by this Court, 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 of the three months period.

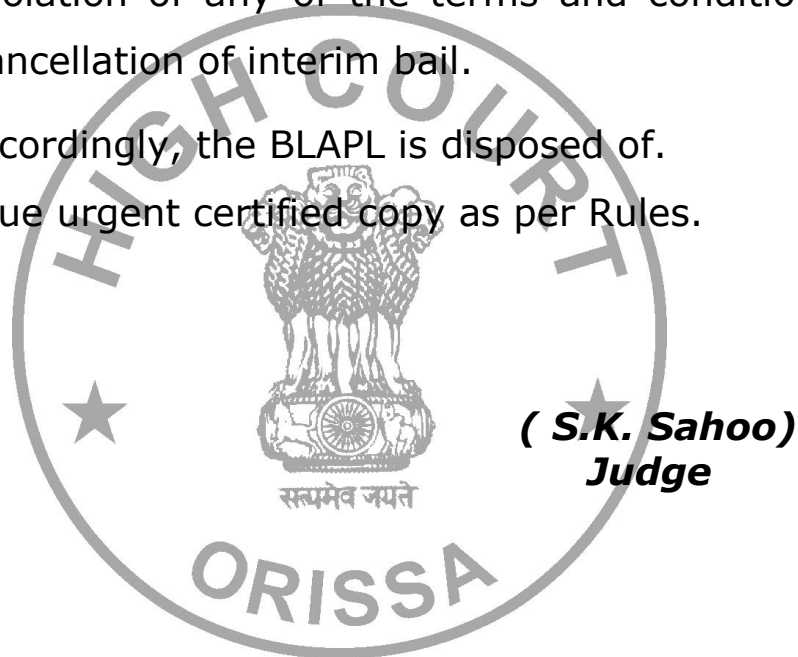
For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail

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 subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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.



RKM