

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7583 of 2022

Rupesh Singh Besra* *Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha* *Opp.Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
14.10.2022**

Order No.

02. 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 Gochhapada P.S. Case No.41 of 2019 corresponding to C.T. Case No.32 of 2019 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 07.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 23.12.2019 and his earlier bail application in BLAPL No.4352 of 2020 was rejected as per order dated 12.01.2021 and 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.

The status report dated 24.09.2022 submitted by the learned trial Court indicates that out of nineteen charge sheet witnesses, only three witnesses have been examined.

Learned counsel for the petitioner submitted that since the petitioner is a local man, there is no chance of absconding and he may be granted interim bail for some period.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the slow progress of the trial and the petitioner is a local man, 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.

(S.K. Sahoo)
Judge