

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6633 of 2021

Ruben Digal

....

Petitioner

Mr. M. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. A.K. Beura,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

11.02.2022

Order No.

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 under section 439 of Cr.P.C. in connection with 2(a) C.C. Case No.02 of 2020 arising out of Sorada Excise P.R. Case No.108 of 2019-20 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Bhanjanagar for offences punishable 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, Bhanjanagar which was rejected on 05.08.2021.

Learned counsel for the petitioner submitted

that the petitioner is in judicial custody since 15.03.2020 and when the petitioner approached this Court last time in BLAPL No.3100 of 2020, as per the order dated 25.01.2021, while rejecting the bail application, this Court directed the learned trial Court to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of this order.

On a submission being made by the learned counsel for the petitioner on the last date i.e. 25.01.2021, the learned trial Court was asked to submit the status report. The status report dated 15.12.2021 has been submitted by the learned trial Court from which it appears that charge was framed on 14.12.2021 and the learned counsel for the petitioner produced the order sheet which shows that no witness have been examined.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, since the order passed by this Court in BLAPL No.3100 of 2020 has not been complied with, 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 the expiry of the said period.

For the above period, let the petitioner be

released on 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. While on interim bail, the petitioner shall not try to keep any contact with the victim or any other prosecution witnesses or tamper with the evidence in any manner and he shall appear before the learned trial Court on each date, if the case will be posted for trial during that period.

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

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

सत्यमेव जयते

(S.K. Sahoo)
Judge