

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6970 of 2021

Pitara Digal

....

Petitioner

Mr. B.P. Chhualsingh,
Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. J.P. Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

10.01.2022

Order No.

05. This matter is taken up by video conferencing 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 C.T. Case No.21 of 2020 arising out of Tumudibandha P.S. Case No.44 of 2020 pending in the Court of learned Special Judge -cum- Additional Sessions Judge, Balliguda 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 -cum-

Additional Sessions Judge, Balliguda, which was rejected on 16.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 30.05.2020 and his earlier bail application in BLAPL No.4205 of 2020 was rejected as per order dated 27.01.2021 and direction was issued to the learned trial Court to expedite the trial and conclude the same within a period of six months from date of receipt of the order. It is further submitted that only two witnesses have been examined out of nineteen charge sheet witnesses.

Perused the status report submitted by the learned trial Court, which also indicates about such aspect.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of the trial, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, 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 and with further conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

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

Accordingly, the BLAPL is disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge