

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7968 of 2022

Batakrushna Behera* *Petitioner

Mr. G. Sethi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

ORDER

02.11.2022

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 Satyabadi P.S. Case No.177 of 2019 corresponding to T.R. Case No.55 of 2020 pending in the Court of learned Special Judge, Puri for offence punishable under section 20(b) of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with the case on 06.10.2019 and on account of delay disposal of the trial, he was granted interim bail for a period of three months as

per order dated 18.02.2022 passed in BLAPL No.8821 of 2021 and after availing the interim bail period, he surrendered at right time. He further submitted that till date, there is no progress in the trial and in view of the delay in disposal of the trial, the petitioner may be granted interim bail for some time.

The status report dated 21.10.2022 submitted by the learned trial Court indicates that out of total seventeen charge sheeted witnesses, only four witnesses have been examined, two of the witnesses are reported to have expired and one of them is reported untraced and now ten witnesses are yet to be examined and almost all remaining witnesses including the informant are police officials. It is further mentioned that the informant is the retired Sub-Inspector of police and summons have been issued repeatedly to the witnesses to ensure their attendance, but with no result.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, 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.

The Inspector in-charge of Satyabadi police station shall appear before the learned trial Court i.e. learned 3rd Addl. Sessions Judge, Puri in T.R. Case No.55 of 2020 on or before 11.11.2022, receive summons in respect of the remaining witnesses and ensure their attendance on the date fixed.

Accordingly, the BLAPL is disposed of.

A free copy of the order be handed over to the learned counsel for the State for onward

transmission to the concerned I.I.C.

A copy of the order be communicated to the learned trial Court immediately.

Issue urgent certified copy as per Rules.

P

(S.K. Sahoo)
Judge

