

IN THE HIGH COURT OF ORISSA AT CUTTAC
BLAPL NO.7991 OF 2022

Bhima Khara

.... ***Petitioner***

Mr. S.K. Rout, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

22.12.2022

Order No.

01. 1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.
2. This the successive journey of this Petitioner who is in custody in connection with Machhkund P.S. Case No.12 of 2021 corresponding to T.R. Case No.16 of 2021 pending on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput running for commission of offence under Section- 20(b)(ii)(C)/29 of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. At the outset, learned Counsel for the Petitioner citing the period of detention of the Petitioner in custody since 31.01.2021 instead of pressing for hearing of the bail application on merit, prays for its disposal by considering the grant of interim bail to the Petitioner for period of 10 weeks. He submits that this Petitioner being arrested in connection with the above noted case although is in custody since 31.01.2021, the trial is still going on. He further submits that due to such long detention of the Petitioner in custody and non-conclusion of trial, his family members are suffering a lot and serious hardship is being caused to them. It is

also his submission that till now his family members having somehow been able to manage the show, it is no more possible on their part to continue without the help and aid of this Petitioner at least for some time by their side at home. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence, he urges for grant of interim bail to the Petitioner.

4. Learned counsel for the State opposes the move, in view of the earlier rejection of the prayer for grant of bail to the Petitioner on merit.

5. Considering the submissions made and on going the averments made in the applications, further taking into account the period of detention of the Petitioner in custody; this Court is inclined to dispose of this application by granting interim bail to the Petitioner for a period of eight (8) weeks.

Accordingly, it is directed that the Petitioner be released on interim bail for a period of eight weeks w.e.f. the date of his actual released from the custody on such terms and conditions as deemed just and proper, with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; and will surrender before the Court in seisin of the case after expiry of the interim period positively.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**