

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7013 of 2020

Hrudo @ Hruduram Yadav Petitioner

Mr. Chandan Mishra, Advocate

-versus-

State of Odisha Opp. Party

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

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

**ORDER
21.11.2022**

Order No.

08. 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 Phiringia P.S. Case No.69 of 2018 corresponding to C.T. Case No.34 of 2018 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Phulbani for offence 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 Additional Sessions Judge -cum- Special Judge, Phulbani(I/c) which was rejected on

25.08.2020.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 24.09.2018 and his earlier bail application in BLAPL No.9187 of 2019 was rejected as per order dated 27.07.2020 and out of eighteen charge sheet witnesses, only four witnesses have been examined in the trial Court.

On the basis of such submission, status report was called for from the learned trial Court which revealed that out of eighteen charge sheet witnesses, seven witnesses have been examined.

Since the petitioner is a man from the State of Chhatisgarh, learned counsel for the State was asked to verify whether the address furnished by the petitioner in the cause title of the bail application is authenticated one or not.

Learned counsel for the State on 01.11.2022 submitted that the address of the petitioner is correct.

Learned counsel for the petitioner was asked to supply the names, addresses and documents of two local sureties, who are interested to take the petitioner on bail to the learned counsel for the State for verification. Accordingly, learned counsel for the petitioner supplied the same of two local sureties, namely, Sanatan Kanhar and Digambar Kanhar.

Today, learned counsel for the State has produced

the report dated 16.11.2022 of S.I. in-charge of Phiringia police station which indicates that the matter was enquired from the R.I., Katringia and from the available records, it came to light that the R.O.R. and rent receipt which are produced before this Court are genuine. The report is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the progress of the trial so far, at this stage, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. 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, namely, Sanatan Kanhar and Digambar Kanhar 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

RKM

