

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8319 of 2022

Niranjan Sahu

.... Petitioner

Ms. Sulochana Patro, Advocate

-versus-

State of Odisha

.... Opp .Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
06.12.2022**

Order No.

03. 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 District Striking Force, Excise, Berhampur P.R. Case No. 32 of 2020-2021 corresponding to 2(a) C.C. Case No.06 of 2020-N pending in the Court of learned 1st Addl. Sessions Judge -cum- Special Judge, Berhampur, Ganjam, 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 1st Addl. Sessions Judge -cum- Special Judge, Berhampur, Ganjam, which was rejected

on 20.07.2022.

Learned counsel for the petitioner submitted that this is the third successive bail application of the petitioner and the petitioner is in judicial custody since 01.07.2020 and he was granted interim bail for a period of three months in BLAPL No. 648 of 2022 as per order dated 25.03.2022 and after availing the same, he surrendered at right time. It is further submitted that out of four nos. of P.R. witnesses, one independent witness has been examined so far in the learned trial Court and in view of delayed disposal of the trial, the petitioner may be granted interim bail for some period.

Status report submitted by the learned trial Court dated 02.11.2022 indicates about examination of one witness out of four nos. of P.R. witnesses.

Learned counsel for the State has no serious objection for grant of interim bail to the petitioner.

Considering the submissions made by the learned counsel for the respective parties, conduct of the petitioner in complying with the earlier interim bail order, absence of any allegation regarding misutilization of the liberty granted to the petitioner, the petitioner is a local man and there is no chance of absconding, slow progress of trial and taking into account the period of detention of the petitioner in judicial custody, 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 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 including the conditions that he shall not indulge in any criminal activities, shall not try to tamper with the prosecution evidence and shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period.

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

PKSahoo