

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8290 of 2021

1. Rakesh Kumar

2. Debendra Kumar

....

Petitioners

Mr. S.K. Baral, Advocate

-versus-

State of Odisha

....

Opp. Party

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

BLAPL No.7431 of 2021

Raj Kumar

....

Petitioner

Mr. S.K. Baral, Advocate

-versus-

State of Odisha

....

Opp. Party

Mrs. Susamarani Sahoo,
Addl. Standing Counsel

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

ORDER

08.04.2022

Order No.

06. Both the matters are taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners in both the cases and learned counsel for the State.

Since both the bail applications are under section 439 of Cr.P.C. in connection with Special Case

No.02 of 2020 arising out of Athagarh P.S. Case No.69 of 2020 pending in the Court of learned Special Judge, Athagarh for alleged commission of offences under sections 20(b)(ii)(C) of the N.D.P.S. Act, with the consent of the parties, those are heard analogously and are disposed of by this common order.

Learned counsel for the petitioners submits that the petitioners are in judicial custody since 05.03.2020 and in the trial Court, out of fourteen charge sheet witnesses, eight witnesses have been examined and earlier there was a direction by this Court in BLAPL No.2889 of 2020 as per order dated 08.02.2021 to conclude the trial within a period of six months from the date of receipt of the order and liberty was granted to the petitioner to renew the prayer for bail, if the trial is not concluded within the aforesaid period. It is submitted that in view of the delay disposal of the trial, the petitioners may be granted interim bail for some time.

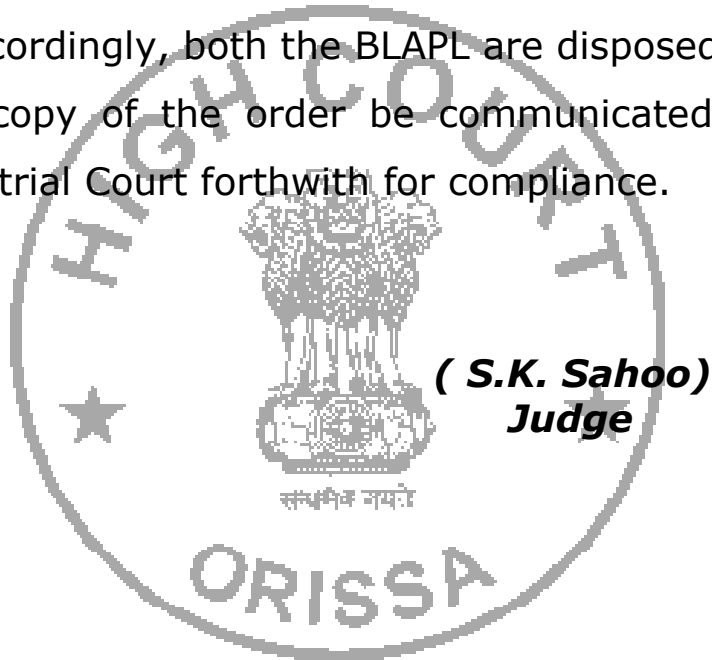
Learned counsel for the State opposed the prayer for interim bail mainly on the ground that the petitioners are men from Uttar Pradesh and once they are enlarged on bail, it would be difficult to ensure their attendance at the time of trial. The learned trial Court in its status report has assigned the reasons for the delay in disposal of the case and there is no dispute that on account of the situation

arising out of Covid-19 pandemic, there was no progress in the trial in different courts throughout the State.

In view of such submission and progress of trial, while not inclining to release the petitioner on interim bail, I direct the learned Court below to conclude the trial by the end of July 2022. The petitioners are at liberty to renew their prayer for bail, if the trial is not concluded within the said period.

Accordingly, both the BLAPL are disposed of.

A copy of the order be communicated to the learned trial Court forthwith for compliance.



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