

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7457 of 2021

S.K. Sona

....

Petitioner

Mr. C.B. Bhushan, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
01.11.2022**

Order No.

11. 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 Markatnagar P.S. Case No. 107 of 2018 corresponding to G.R. Case No.08 of 2018 pending in the Court of learned Sessions Judge, Cuttack 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 Sessions Judge, Cuttack which was rejected on 04.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 20.07.2018 and his earlier bail application in BLAPL No.7949 of 2018 was rejected as per order dated 13.02.2019 and direction was given to the learned trial Court to expedite the trial and conclude the same within a period of six months from the date of production of a certified copy of the order.

Status report received from the learned trial Court indicates that out of sixteen charge sheet witnesses, nine witnesses have been examined, one witness is dead and another witness has been declined by the prosecution and five witnesses are yet to be examined.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to release the petitioner on bail on merit, but keeping in view the slow progress of trial and taking into account the period of detention of the petitioner in judicial custody, 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 that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the interim bail period.

Violation of any 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