

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7907 of 2021

Chandramani Tosha @ Chandramani Tosh ***Petitioner***

Mr.S.R. Mohapatra, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr.A.K. Beura,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

01. 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 2(a) C.C. No. 08 of 2020 arising out of E.I. & E.B. Unit-I Cuttack P.R. No. 293 of 2019-2020 pending in the Court of learned 3rd Additional 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 3rd Additional Sessions Judge, Cuttack, which was rejected on 08.09.2021.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 20.03.2020 and his earlier bail application in BLAPL No.4575 of 2020 was rejected as per order dated 03.02.2021 and direction was given to the learned trial Court to conclude the trial within a period of six months from the date of receipt of a copy of the order and liberty was granted to the petitioner to renew his prayer for bail if the trial is not concluded within the said period. Learned counsel produced the certified copy of the order dated 14.03.2021 which indicates that charge was framed on that date and the case was posted for recording evidence to 19.04.2022. It is further submitted that the earlier order has not been complied with since not a single witness has been examined till date and therefore, the prayer for bail may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties and the earlier direction of this Court has not yet been complied with, at this stage, while not inclining to release the petitioner on bail on merit, but 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 and shall appear before the Inspector in-charge of Tigriria police station once in a week 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

PKSahoo