

IN THE HIGH COURT OF ORISSA AT CUTTAC
BLAPL NO.8962 OF 2022

Paltu @ Sidharth Majumdar

.... ***Petitioner***

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

14.12.2022

Order No.

I.A. NO.1659 OF 2022

02.

1. This matter is taken up through hybrids arrangement (virtual/ physical) mode.

2. This the second journey of this Petitioner who is in custody in connection with STF Bhubaneswar P.S. Case No.09 of 2020 corresponding to Special Case No.01 of 2021 (arising out of Special Case No.41 of 2020) pending on the file of learned 3rd Additional Sessions Judge, Balasore running for commission of offence under Section- 21(C)/29 of the NDPS Act, in filing this application under Section-439 of the Cr.P.C. for his release on bail in the above mentioned case.

During pendency of the above application, the Petitioner has also filed an application for grant of interim bail.

3. At the outset, learned Counsel for the Petitioner citing the period of detention of the Petitioner in custody since 17.07.2020 instead of pressing for hearing of the bail application on merit, prays for its disposal by considering the grant of interim bail to the Petitioner for period of four months. He submits that although this Petitioner being arrested in connection with the above noted case is in custody since 17.07.2020, the trial is still going on. He further submits that due to such long detention of the Petitioner in

custody and non-conclusion of trial, his family members are suffering a lot and serious hardship is being caused to them. It is also his submission that till now his family members having somehow been able to manage the show, it is no more possible on their part to continue without the help and aid of this Petitioner at least for some time by their side at home. He further submits that other two co-accused persons have been granted with interim bail. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence, he urges for grant of interim bail to the Petitioner.

4. Learned Counsel for the State opposes the move in view of the quantity of contraband (brown sugar) said to have been seized in connection with the case. He, however, does not dispute that the Petitioner being in custody since 17.07.2020 as of now the trial is continuing.

5. Considering the submissions made and on going the averments made in the applications, further taking into account the period of detention of the Petitioner in custody and non-completion of trial when co-accused persons have been granted with interim bail; this Court is inclined to dispose of this application by granting interim bail to the Petitioner for a period of ten (10) weeks.

Accordingly, it is directed that the Petitioner be released on interim bail for a period of ten weeks w.e.f. the date of his actual released from the custody on such terms and conditions as deemed just and proper, with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will appear before the IIC, Sahadevkhunta P.S. every Monday in between 10

am to 2 pm during the period of interim bail; will not indulge in similar activity; and will surrender before the Court in sesin of the case after expiry of the interim period positively.

6. The BLAPL as well as the I.A. are accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

