

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8068 of 2021

Chetan Nayak

....

Petitioner

Mr.B.B. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P. Patra,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

31.03.2022

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 C.T. Case No.32 of 2020 arising out of Phiringia P.S. Case No.44 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Kandhamal, Phulbani for offences punishable under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Phulbani, which was rejected on 02.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 17.06.2020 and when he

approached this Court last time in BLAPL No.4524 of 2020, as per order dated 12.01.2021, while not inclining to release the petitioner on bail, direction was issued to the learned trial Court to expedite the trial and if possible, to conclude the same within a period of six months from the date of framing of charge and the petitioner was given liberty to renew the prayer for bail, if the trial is not concluded within the aforesaid period. It is contended by the learned counsel for the petitioner that only five witnesses have been examined so far in the trial Court and the last witness i.e. P.W.5 was examined on 19.08.2021 and thereafter, there is no progress in the trial. A status report was called for from the learned trial Court in the case of the co-accused, who was the petitioner in BLAPL No.8223 of 2021 wherein it has been reported that after examination of P.W.5 on 19.08.2021, there is no progress in the trial.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of the trial and since the earlier order passed by this Court in BLAPL No.4524 of 2020 has not been complied with and the petitioner is a local man, 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 as the learned Court may deem just and proper and with further 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 period of interim bail. 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