

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9147 of 2022

Rabindra Khilla

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
02.11.2022**

Order No.

03. 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 Boipariguda P.S. Case No.70 of 2020 corresponding to T.R. Case No.22 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Koraput at Jeypore 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 Special Judge, Koraput-Jeypore which was rejected on 02.09.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 21.05.2020 and his earlier bail application in BLAPL No.716 of 2021 was rejected as per order dated 23.02.2021 and the learned trial Court was directed to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of the order. He further submitted that the petitioner is a local man and there is no chance of absconding and therefore, he may be granted interim bail for some period.

Perused the status report dated 26.10.2022 submitted by the learned trial Court from which it appears that out of seventeen charge sheet witnesses, only seven witnesses have been examined.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

Considering the submissions made by the learned counsel for the respective parties, the fact that the earlier order passed by this Court has not been complied with and taking into account the period of detention of the petitioner in judicial custody and the slow progress of the trial, 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 subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the 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