

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8646 of 2021

Mangala Charan Sahu* *Petitioner

Mr. B.R. Das, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

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

ORDER

18.02.2022

Order No.

02.

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 G.R. Case No.09 of 2020(N) arising out of Pattapur P.S. Case No.24 of 2020 pending in the Court of learned 3rd Additional Sessions Judge, Berhampur, Ganjam 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, Berhampur, which was rejected on 17.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 04.02.2020 and when he approached this Court for bail earlier in BLAPL No.2199 of 2020, as per order dated 01.02.2021, while

rejecting the bail application, 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 the order and the petitioner was given liberty to renew the prayer for bail, if the trial is not concluded within the aforesaid period.

It seems that the aforesaid order was communicated to the learned trial Court on 08.02.2021.

The status report submitted by the learned trial Court dated 21.12.2021 indicates that out of eighteen charge sheet witnesses, only one witness has been 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 taking into account the period of detention of the petitioner in judicial custody and the fact that the earlier order passed by this Court in BLAPL No.2199 of 2020 has not been complied with and further taking into account 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 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, 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 and he shall appear before the Inspector in-Charge of Pattapur police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m. The Inspector in-Charge of Pattapur police station shall keep close vigil over the activities of the petitioner while on interim bail.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Pattapur police station to do the needful.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM