

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8759 of 2021

Mishra Bindhani **Petitioner**

Mr. A. Tripathy, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. D.K. Pani,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

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 for bail under section 439 of Cr.P.C. in connection with Khurda STF P.S. Case No.05 of 2019 corresponding to C.T. Case No.17 of 2019 pending in the Court of learned Sessions Judge - cum- Special Judge, Kandhamal, Phulbani for alleged commission of offence under section 20(b)(ii)(C) of the N.D.P.S. Act read with section 25 of the Arms Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Phulbani, which was rejected on 01.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 21.03.2020 and while rejecting the last bail application of the petitioner in BLAPL No.4104 of 2020 as per order dated 12.01.2021, 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.

As per order dated 31.03.2022, learned trial Court has submitted the status report dated 05.04.2022, which indicates that the charge was framed on 03.03.2021 and out of eighteen charge sheet witnesses, not a single witness has been examined and due to situation arising out of COVID-19 Pandemic, there was no progress in the trial.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the progress of trial so far, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. 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 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 to which the case would be posted for trial during the interim bail period.

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

RKM