

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8798 of 2021

Bikash Kumar Nayak* *Petitioner

Mr. S.K. Dwibedi, Advocate

-versus-

State of Odisha* *Opp. Party

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

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

**ORDER
25.02.2022**

Order No.

03. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Balliguda P.S. Case No.175 of 2020 corresponding to C.T. Case No.53 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Balliguda for alleged commission of offences under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 29.09.2020 and his earlier bail application in BLAPL

No. 1432 of 2021 was rejected as per order dated 16.03.2021 and the learned trial Court was directed to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order and liberty was granted to the petitioner to renew his prayer for bail, if the trial is not concluded within the said period.

The order dated 16.03.2021 was communicated to the learned trial Court on 17.06.2021. Learned counsel for the petitioner submitted that till the last date, not a single witness was examined in the learned trial Court. On such submission, status report was called for from the learned trial Court and the learned trial Court has submitted its report dated 24.02.2022 from which it reveals that out of twenty one charge sheet witnesses, not a single 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, taking into account the period of detention of the petitioner in judicial custody, since the earlier order of this Court has not been complied with and the

petitioner is a local man, 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 including the conditions that while on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence, shall not indulge in any criminal activities, shall appear before the learned trial Court on each date to which the case would be posted for trial and shall appear before the Inspector in-charge of Balliguda police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m.

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

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