

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8811 of 2021

Alangir Seikh

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
08.07.2022**

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 C.T. Case No.11 of 2020 arising out of Tikabali P.S. Case No.15 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Balliguda 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 -cum- Addl. Sessions Judge, Baliguda which was rejected on 20.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 17.03.2020 and his earlier bail application in BLAPL No.4332 of 2020 was rejected on merit as per order dated 27.01.2021 and direction was given 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 receipt of a copy of this order and the petitioner was given liberty to renew his prayer, if the trial is not concluded within the aforesaid period. Learned counsel further submitted that even though copy of the order was communicated to the learned trial Court on 10.02.2021, but there is no progress in the trial and therefore, the bail application of the petitioner may be favourably reconsidered.

Status report was called for as per order dated 04.03.2022 and the learned trial Court has furnished the same vide letter dated 27.03.2022 from which it indicates that only charge has been framed, not a single witness has been examined till date.

Since the petitioner is a man from West Bengal, the learned counsel for the State sought for time to verify whether the address furnished in the cause title is correct or not.

Today, learned counsel for the State has produced written instruction dated 26.04.2022 received from the Inspector in-charge of Tikabali

police station which indicates that the address furnished in the cause title is correct. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, since no witness has yet been examined in the trial Court, 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 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. The Inspector in-charge of Tikabali police station shall keep a close vigil over the

activities of the petitioner during the interim bail period.

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



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