

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8821 of 2021

Batakrushna Behera* *Petitioner

Mr. G. Sethi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. D.K. Pani,
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. *संक्षिप्त न्याये*

This is an application under section 439 of Cr.P.C. in connection with T.R. Case No.55 of 2020 arising out of Satyabadi P.S. Case No.177 of 2019 pending in the Court of learned Special Judge, Puri 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, Puri, which was rejected on 17.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 06.10.2019 and he has been charge sheeted under section 20(b)(ii)(C) of

the N.D.P.S. Act and when he approached this Court for bail earlier in BLAPL No.3059 of 2020, as per order dated 25.01.2021, 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 after examination of the material witnesses or if the trial is not concluded within the aforesaid period.

It seems that the order was communicated to the learned trial Court on 29.01.2021.

Learned counsel for the petitioner further submitted that not a single witness has been examined in the trial Court. The order sheet of the learned trial Court was filed and as per the order dated 21.12.2021, which indicates that summons were issued to the C.S.W. nos.1, 2 and 3 fixing the date of trial to 09.02.2022 and today, learned counsel for the petitioner has filed the certified copy of the order dated 09.02.2022, which indicates that no witness was examined on that date and the case is now posted to 06.04.2022 for trial.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, since the earlier order passed by this Court in BLAPL No.3059 of 2020 has not been complied with and not a single witness has been examined so far 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 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 Satyabadi 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 Satyabadi 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 Satyabadi police station to do the needful.

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

RKM

