

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8896 of 2021

Chandramani Kanhar* *Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
30.06.2022**

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.29 of 2020 arising out of Phulbani Town P.S. Case No.83 of 2020 pending in the Court of learned Special Judge, Phulbani for offences punishable under sections 20(b)(ii)(C) and 29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Phulbani, which was rejected on 27.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 11.06.2020 and his earlier bail application in BLAPL No.4576 of 2020 was rejected as per order dated 23.02.2021 and till date, not a single witness has been examined and therefore, the bail application of the petitioner may be favourably reconsidered.

Status report was called for as per order dated 29.04.2022 and the learned trial Court has furnished the same vide letter dated 09.05.2022 from which it indicates that charge was framed on 10.02.2021, but not a single witness has been examined and the case against the co-accused Sriram Kanhar has been splitted up.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and since in spite of framing of charge on 10.02.2021, not a single witness has been examined, at this stage, 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 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 Phulbani Town 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