

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10096 of 2022

Gopinath Khillo

....

Petitioner

Mr.P.K. Nanda, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.Arupananda Das

Addl. Government Advocate

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

**ORDER
09.12.2022**

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.

This is an application under section 439 of Cr.P.C. in connection with Semiliguda P.S. Case No.109 of 2019 corresponding to T.R. Case No.31 of 2019 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput for offences punishable under sections 20(b)(ii)(C)/25 of the N.D.P.S Act.

The petitioner moved an application for bail before the Court of Addl. Sessions Judge -cum- Special Judge, Koraput, which was rejected on 12.09.2022.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with this case on 11.11.2019 and earlier he was granted interim bail for a period of three months in BLAPL No. 5146 of 2021 as per order dated 08.04.2022 and after availing the same, he surrendered at right time. It is further submitted that the petitioner is local man and there is no chance of his absconding. He further submitted that in the learned trial Court, there is no progress in the trial and in view of delayed disposal of the trial, the petitioner may be granted interim bail for some period.

Status report submitted by the learned trial Court dated 06.12.2022 indicates about examination of two witnesses out of eleven witnesses so far.

Learned counsel for the State has no serious objection for grant of interim bail to the petitioner.

Considering the submissions made by the learned counsel for the respective parties, conduct of the petitioner in complying with the earlier interim bail order, slow progress of trial, the petitioner is a local man and there is no chance of absconding, conduct of the petitioner in complying with the earlier interim bail order and further taking into account the period of detention of the petitioner in judicial custody, 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 he shall not indulge in any criminal activities, shall not try to tamper with the prosecution evidence and 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