

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 9118 of 2021**

***Amit Gharami***

*....*

***Petitioner***

*Mr.R.L. Pattnaik, Advocate*

*-versus-*

***State of Odisha***

*....*

***Opp. Party***

*Mr.J.P. Patra,  
Addl. Standing Counsel*

**CORAM:**

**JUSTICE S.K. SAHOO**

**Order No.**

**ORDER**

**06.05.2022**

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 Chitrakonda P.S. Case No. 140 of 2019 corresponding to T.R. Case No. 138 of 2019 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Malkangiri 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 Addl. Sessions Judge -cum- Special Judge, Malkangiri, which was rejected on 13.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.11.2019 and he

approached this Court for bail in BLAPL No.3970 of 2020, which was rejected as per order dated 19.01.2021 and direction was given to the learned trial Court to expedite the trial and to conclude the same within a period of six months from the date of receipt of a copy of the order and the petitioner was given liberty to renew the prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel for the petitioner further submitted that till date not a single witness has been examined and therefore, in view of delayed disposal of trial, the prayer for bail of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 10.01.2022 and the learned trial Court has furnished the report dated 19.01.2022 from which it appears that not a single witness has been examined as yet.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and slow progress of trial, 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.

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**

PKSahoo

