

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10221 of 2022

Tapas Sardar

.... Petitioner

Mr. S. Udgata, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
01.12.2022**

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 Mathili P.S. Case No.110 of 2020 corresponding to T.R. Case No.81 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Malkangiri for offences punishable under sections 20(b)(ii)(C)/27-A of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Malkangiri(I/c) which was rejected on 30.08.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 22.08.2020 and when he approached this Court earlier in BLAPL No.713 of 2022, the said bail application was withdrawn as per order dated 26.08.2022. It is further submitted that there is no such progress in the trial and the co-accused has already been released on bail and the petitioner is a local man and there is no chance of absconding and therefore, he may be granted interim bail for some period.

Perused the status report dated 14.11.2022 submitted by the learned trial Court from which it appears that out of twenty charge sheet witnesses, only two witnesses have been examined.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the slow progress of the trial and release of co-accused on bail, 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 subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

RKM