

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9171 of 2021

Benu Rout

....

Petitioner

Mr. G.S. Samal, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

ORDER

28.10.2022

Order No.

09.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

In pursuance of the order dated 27.09.2022, the learned counsel for the State has produced the written instruction from the Inspector in-charge of Malgodown police station, Cuttack which indicates that the petitioner, who is a lady has got no criminal antecedent. The written instruction is taken on record.

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 P.R. No.121 of 2020-21 of E.I. & E.B., Unit-II, Cuttack corresponding to 2(a)C.C. Case No.01 of 2021 pending in the Court of

learned Sessions Judge -cum- Special Judge, Cuttack 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 Sessions Judge -cum- Special Judge, Cuttack which was rejected on 07.10.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 03.01.2021 and she was granted interim bail as per order dated 11.03.2022 in I.A. No.1371 of 2021 and after availing the interim bail period, she surrendered at right time. He further submitted that though all the prosecution witnesses have been examined in the learned trial Court but the prosecution filed a petition under section 311 Cr.P.C. to summon one Rama Chandra Palta, who was not cited as a witness in the prosecution report and the petition has been allowed but the said witness is yet to be examined. In view of the delay in disposal of the trial, the petitioner may be granted interim bail for some time.

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 conduct of the petitioner in complying with the earlier

order of interim bail granted by this Court and the fact that the petitioner is having no criminal antecedent, 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.