

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9908 of 2021

**Mr. Santosh Kumar Panda
@ Santu Panda @ Santosh
Panda**

.... Petitioner

Mr. Devashis Panda, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

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

**ORDER
06.05.2022**

Order No.

07. 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 T.R. Case No.454 of 2019 arising out of Khandagiri P.S. Case No.491 of 2019 pending in the Court of learned Special Judge –cum- Sessions Judge, Khurda at Bhubaneswar for offences punishable under section 21(C) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned 3rd Additional Special Judge, Bhubaneswar, which was rejected on 01.11.2021.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 11.09.2019 and earlier the petitioner was granted interim bail from 23.12.2021 to 10.01.2022 as per the order of this Court dated 22.12.2021 and after availing the same, he has surrendered before the learned trial Court at right time and in view of delayed disposal of the trial, the petitioner may be granted interim bail.

As per order dated 18.02.2022, the learned trial Court has submitted the status report from which it appears that the petitioner after availing the interim bail period, has surrendered at right time and till date not a single witness has been examined.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to release the petitioner on bail on merit, but taking into account the period of detention of the petitioner in judicial custody, 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 and shall appear before the Inspector in-charge of Khandagiri police station once in a week 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



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