

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10127 of 2021

Indradev Prasad @ Yadav* *Petitioner

Mr.A.P. Bose, Advocate

-versus-

State of Odisha* *Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

ORDER

21.11.2022

Order No.

11.

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 Mohana P.S. Case No. 144 of 2020 corresponding to G.R. Case No.53 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Gajapati, Paralakhemundi for offences punishable under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 17.09.2020 and he has been charge sheeted under section 20(b)(ii)(C)/25/29 of the N.D.P.S. Act and when he approached this Court for first time for bail in BLAPL No.181 of 2021, as per order dated 28.01.2021

while rejecting the bail application, this Court directed the learned trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of this order and liberty was granted to the petitioner to renew his prayer for bail, if the trial is not concluded within the aforesaid period. It is submitted that since there is very slow progress of the trial, the petitioner may be granted interim bail for some time.

Perused the status report submitted by the learned trial Court.

Since the petitioner is a man from State of Bihar, his address as furnished in the cause title was verified. Learned counsel for the petitioner also furnished the names, addresses and documents of two local sureties to the learned counsel for the State who are interested to take the petitioner on bail as per the orders of this Court.

Learned counsel for the State submitted that the names and documents of the two local sureties who are interested to take the petitioner on bail, namely, Karlin Pal and Florian Behera furnished by the learned counsel for the petitioner was verified by the Inspector-in-charge of Mohana police station and it was found to be genuine. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to release the petitioner on bail on merit, but keeping in view the slow progress of trial and 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.2,00,000/-(rupees two lakh) with two local solvent sureties, namely, Karlin Pal and Florian Behera 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 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