

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10216 of 2021

Timothy Kumar Nayak* *Petitioner

Mr. S.P. Mohanty, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr.A.K. Beura,
Addl. Standing Counsel*

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

**ORDER
06.05.2022**

Order No.

03. 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 C.T. Case No.127 of 2019 arising out of Baliguda P.S. Case No.184 of 2019 pending in the Court of learned Additional Sessions Judge –cum- Special Judge, Baliguda for offences punishable under sections 20(b)(ii)(C)/25/27/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge –cum- Special Judge, Baliguda, which was rejected on 03.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 04.12.2019 and his earlier

bail application in BLAPL No.331 of 2020 was rejected as per order dated 02.11.2020 and liberty was granted to the petitioner to renew her prayer for bail after examination of the material witnesses in the learned trial Court. It is further submitted that till date, there is no progress in the trial and therefore, the prayer for bail may be favourably considered.

As per order dated 22.04.2022, the learned trial Court has submitted the status report from which it appears that out of twenty five charge sheeted witnesses, two witnesses have been examined and the last witness has been examined on 01.02.2022.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial, at this stage, at this stage, 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, she shall not indulge in any criminal activities and she shall appear before the learned trial Court

on each date on which the date would be fixed for trial during the period of interim bail.

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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