

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9548 of 2020

Uttambar Pangi

....

Petitioner

Mr.S.Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

29.04.2022

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 Jeypore Sadar P.S. Case No. 86 of 2018 corresponding to T.R. Case No. 25 of 2018 pending in the Court of learned Sessions Judge -cum- Special Judge, Koraput for offences punishable under sections 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Jeypore, which was rejected on 07.12.2020.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 01.06.2018 and

his first bail application in BLAPL No.490 of 2019 was rejected as per order dated 11.03.2019 and direction was given to 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 the order. Learned counsel further submitted that not a single witness has been examined so far and in view of delayed disposal of the trial, the prayer for bail of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail.

Status report was called for as per order dated 08.04.2022 and the learned trial Court has furnished the same vide letter dated 20.04.2022 from which it appears that even though summons were issued to the charge sheet witnesses, none turned up and the case was posted to 26.04.2022 for trial.

Considering the submissions made by the learned counsel for the respective parties, the slow progress of trial, 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, 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.

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

PKSahoo