

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10544 of 2021

Mahasalam Karada* *Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
11.02.2022**

Order No.

01. 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.26 of 2019 arising out of Bisam Katak P.S. Case No.30 of 2019 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Gunupur for offences punishable under sections 20(b)(ii)(C)/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, Gunupur, which was rejected on 04.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.03.2019 and

when he approached this Court last time in BLAPL No.10257 of 2019 which was disposed of on 18.12.2020, while not inclining to release the petitioner on bail, this Court directed the learned trial Court to expedite the trial and to make every endeavour to conclude the trial within a period of six months from the date on which the normal functioning of the Court proceeding is restored and it was further observed that if the trial is not concluded within the stipulated period, the petitioner is at liberty to renew the prayer for bail before the learned trial Court. It is further contended that the last witness i.e. P.W.6 was examined on 01.02.2020 and thereafter, there is no progress in the trial and some of the similarly situated co-accused persons have been granted interim bail for three months on account of delayed disposal of the trial. Learned counsel files the bail order copies of co-accused Rajendra Katraka @ Kadraka, Nihu Pani and Vinit Lima, which are taken on record. A copy of the resolution of the local Bar was produced to show that Bar members are abstaining from the Court work relating to the trial of the cases in view of the resurgence of COVID-19. The same is taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the release of the similarly situated co-accused persons on interim bail on the ground of delayed trial and taking into account the progress of the trial so far, 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 as the learned Court may deem just and proper and with further 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 period of interim bail.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

RKM

(S.K. Sahoo)
Judge