

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10594 of 2021

Firoz @ Salman Majhi **Petitioner**

Mr. Basudev Pujari, *Advocate*

-versus-

State of Odisha **Opp. Party**

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

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

08.04.2022

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Mr. Basudev Pujari, learned counsel files appearance memo on behalf of the petitioner, which is taken on record.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Adava P.S. Case No.80 of 2020 corresponding to G.R. Case No.51 of 2020 pending in the Court of learned Special Judge, Gajapati at Parlakhemundi for alleged commission of offences under sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Gajapati at Parlakhemundi, which was rejected on 01.10.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.12.2020 and his earlier bail application in BLAPL No.1067 of 2021 was disposed of as withdrawn on 20.09.2021. He further submitted that there is no progress in the trial and therefore, the petitioner may be granted interim bail.

As per order dated 31.03.2022, learned trial Court has submitted the status report dated 05.04.2022, which indicates that out of nineteen charge sheet witnesses, only one 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, the period of detention of the petitioner in judicial custody and the progress of trial so far, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. 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 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 to which the case would be posted for trial during the interim bail period.

Violation of any of the 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