

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10842 of 2021

Dolamani Bagarti* *Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha* *Opp. Party

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

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

ORDER

31.03.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

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

This is an application for bail under section 439 of Cr.P.C. in connection with Special Case (NDPS) No. 20 of 2018 arising out of Kantamal P.S. Case No.108 of 2017 pending in the Court of learned Sessions Judge –cum- Special Judge, Boudh for alleged commission of offence under section 20(b)(ii)(C) of the N.D.P.S. Act.

The petitioner moved an application for bail before the Court of learned Special Judge, Boudh, which was rejected on 10.11.2021.

Learned counsel for the petitioner submits that the petitioner was taken into custody in connection with this case on 18.09.2017 and was granted interim bail by this Court for a period of three months in BLAPL No.5658 of 2018 as per order dated 28.08.2019. Learned counsel for the petitioner further submitted that till date, no charge has been framed. In support of such contention, he has produced the certified copy of the order dated 04.01.2022 which indicates that the case was posted to 17.01.2022 for consideration of the charge. According to him the total number of charge sheet witnesses is twenty two. Certified copy submitted by the learned counsel for the petitioner 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, 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 direct that the petitioner be released 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 including the conditions that while on interim bail, the petitioner shall not tamper with the prosecution witnesses and shall appear before the learned trial Court on each date to which the case would be posted for trial. Violation of any of the conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge