

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10922 of 2021

K. Prasanna Kumar **Petitioner**

Mr.J. Samantaray, Advocate

-versus-

State of Odisha **Opp.Party**

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
14.10.2022**

Order No.

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

Heard Mr. S.D. Das, learned Senior Advocate appearing for the petitioner and learned Addl. Standing counsel for the State.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Bharatpur P.S. Case No. 58 of 2021 corresponding to T.R. Case No. 108 of 2021 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge (C.B.I.-II), Bhubaneswar 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 Addl. Sessions Judge -cum- Special Judge (C.B.I.-II), Bhubaneswar, which was rejected on 11.10.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 23.02.2021 and his earlier bail application in BLAPL No. 2558 of 2021 was rejected as per order dated 10.08.2021 and direction was given to conclude the trial within a period of six months from the date of framing of charge and the petitioner was given liberty to renew the prayer for bail if the trial is not concluded within the said period. He further submitted that till date, there is no substantial progress of trial and since the petitioner is a local man and there is no chance of absconding, he may be granted interim bail for some time.

Learned counsel for the State has no serious objection to such prayer.

Status report dated 20.08.2022 of the learned trial Court indicates that out of nineteen charge sheet witnesses, only seven witnesses have been examined.

Considering the submissions made by the learned counsel for the respective parties, the progress of trial so far and the period of detention of the petitioner in judicial custody and the fact that the earlier order passed in BLAPL No. 2558 of 2021 has not been complied with, 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 including the conditions that he shall not indulge in any criminal activities and 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

PKSahoo