

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11112 of 2021

Sekh Sabbir @ Kalia Khan Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

ORDER

04.03.2022

Order No.

02. 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 Khariar P.S. Case No.274 of 2018 corresponding to S.A. Case No.88/29 of 2018-19 pending in the Court of learned Sessions Judge -cum- Special Judge, Nuapada for alleged commission of offences under sections 20(b)(ii)(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 09.12.2018 and his earlier bail application in BLAPL

No. 4802 of 2021 was rejected as per order dated 01.02.2021 and the learned trial Court was directed to expedite the trial and if possible, to conclude the same within a period of six months from the date of receipt of a copy of the order and liberty was granted to the petitioner to renew his prayer for bail after examination of the material witnesses or if the trial is not concluded within the said period.

It is submitted by the learned counsel for the petitioner that only twelve witnesses have been examined so far out of twenty four charge sheet witnesses and the petitioner is a local man and therefore, he may be granted interim bail for some time.

Learned counsel for the State opposed the prayer for bail.

It seems from the order sheet of BLAPL No.4802 of 2019 that on 03.02.2021 the registry has communicated the order dated 01.02.2021 to the learned trial Court. The status report submitted by the learned trial Court indicates that charge sheet was submitted on 10.06.2019, charge was framed on 12.09.2019 and out of twenty four charge sheet witnesses, twelve witnesses have been examined and thereafter on account of cease

work call given by the local bar members due to Covid-19 Pandemic and absence of the Presiding Officer, the proceeding could not progress.

Considering the submissions made by the learned counsel for the respective parties, taking into account the period of detention of the petitioner in judicial custody, since the earlier order of this Court has not been complied with and the petitioner is a local man, 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 while on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence, shall not indulge in any criminal

activities, shall appear before the learned trial Court on each date to which the case would be posted for trial and shall appear before the Inspector in-charge of Khariar police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m.

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.



P