

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11658 of 2021

Usman Khan @ Kanhu* *Petitioner

Mr.D.P. Dhal
Senior Advocate

-versus-

State of Odisha* *Opp. Party

Mr.Manoranjan Das,
Addl. Standing Counsel

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

**ORDER
22.07.2022**

Order No.

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

Heard Mr. D.P.Dhal, learned Senior Advocate appearing for the petitioner and the learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with C.T. Case No.14 of 2020 arising out of Chakapada P.S. Case No.18 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Balliguda 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 Special Judge -cum- Addl.

Sessions Judge, Balliguda which was rejected on 13.12.2021.

Learned counsel for the petitioner submits that the petitioner was taken into judicial custody on 23.04.2020 and when he approached this Court for the first time in BLAPL No. 4814 of 2020, this Court as per order dated 20.01.2021 rejected the bail application and directed the learned trial Court to expedite the trial and take steps to conclude the same within a period of six months from the date of receipt of a copy of the order, but in the learned trial Court, trial has not yet commenced.

As per order dated 31.03.2022, learned trial Court has furnished the status report, which also indicates that though charge was framed on 14.09.2021, but till date the examination of witnesses has not yet commenced and there are eighteen charge sheet witnesses and non-bailable warrant of arrest is pending against one co-accused.

Learned counsel for the State on instruction submitted that the petitioner is having no criminal antecedent.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the fact that examination of witnesses has not

commenced, in view of the available materials on record, 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. 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

