IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10494 of 2024

Pankaj Kumar Digal …. ***Petitioner***

Mr. A.R. Panda, Advocate

-versus-

State of Odisha …. ***Opp. Party***

Mr. Jateswar Nayak,
Addl. Govt. Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER

Order No. **20.12.2024**

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

Heard learned counsel for the petitioner and learned 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 Balliguda P.S. Case No.111 of 2022 corresponding to C.T. Case No.34 of 2022 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Balliguda 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, Balliguda, which was rejected on 30.09.2024.

Learned counsel for the petitioner submitted that

the petitioner is in judicial custody since 04.05.2022 and when earlier he approached this Court for bail in BLAPL No.4881 of 2022, as per order dated 24.11.2023, while not inclining to release the petitioner on bail on merit, the learned trial Court was directed to expedite the trial and conclude the same within a period of six months from the date of framing of charge and if the trial is not concluded within the aforesaid period, the petitioner has been given liberty to renew the prayer for bail.

The status report submitted by the learned trial Court dated 26.10.2024 indicates that fifteen witnesses have been examined and four witnesses are yet to be examined.

Learned counsel for the petitioner submitted that the petitioner is a local man and therefore, there is no chance of his absconding.

Learned counsel for the State opposed the prayer for bail mainly on the ground of seizure of commercial quantity of ganja as well as bar under section 37 of the N.D.P.S. Act.

Considering the submissions made by the learned counsel for the respective parties, the commercial quantity of ganja seized from the possession of the petitioner and bar under section 37 of the N.D.P.S. Act, 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 and the slow progress

of the trial and since the order of this Court dated 24.11.2023 has not been complied with, I am inclined to release the petitioner 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 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

RKM

Signature Not Verified
Digitally Signed
Signed by: RABINDRA KUMAR MISHRA
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 20-Dec-2024 19:31:49