

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2048 of 2023

Javed Mahammad

....

Petitioner

Sk. Zafarulla, Advocate

-Versus -

State of Odisha

....

Opp. Party

Mr. S.K. Mishra, ASC

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.03.2023

Order No.
01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 8th March, 2021 in connection with Bisam Katak P.S. Case No.34/2021 corresponding to T.R. Case No.48/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Gunupur for the alleged commission of the offence under Section 20(b)(ii)(C)/29 of the N.D.P.S. Act.
4. The Petitioner had approached this Court in BLAPL No.5121 of 2022 which came to be rejected by order dated 29.08.2022. The present application has been filed on the ground that despite the fact that the Petitioner is in custody since 8th March, 2021, the trial has not concluded as yet. Moreover, the co-accused, who stands on the same footing, has been released on bail as per order passed by this Court in BLAPL No10465/2022.
5. Learned State counsel does not dispute the submission that the Petitioner stands on the same footing as the co-accused, Samsad, who

was directed to be released on bail as stated above.

6. Taking into consideration all the above facts as also the period of detention of the Petitioner in custody and the delay in conclusion of trial, I am inclined to take a lenient view in the matter by directing release of the Petitioner on interim bail for a period of three months from the date of his actual release on such terms and conditions as may be fixed by the court in seisin over the matter in the aforesaid case including the condition that he shall personally appear before the trial Court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the Court to take him to custody again.

7. After expiry of the aforesaid period of three months, the Petitioner shall surrender before the court in seisin over the matter, failing which appropriate warrant may be issued for his production.

8. List this matter after three months.

9. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge