



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.153 of 2021

Hemanta Kumar Naik @ Mithun **Appellant/
Petitioner**

Mrs. S. Jena, Advocate

-versus-

State of Odisha **Respondent/
Opp. Party**

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

Order No. **ORDER**
13.09.2024

I.A. No.669 of 2024

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

This is an application under Section 389 of Cr.P.C. for grant of bail.

Heard.

The appellant-petitioner has been convicted under section 20(b)(ii)(C) of the N.D.P.S. Act and sentenced to undergo R.I. for a period of ten years and to pay a fine of Rs.1,00,000/- (rupees one lakh), in default, to undergo further R.I. for a period of one year by the learned 2nd Additional Sessions Judge, Berhampur in 2(a) C.C. No.04 of 2018(N).



From the custody certificate, it appears that by now the petitioner has remained in custody for four years and six months out of ten years of substantive sentence imposed by the learned trial Court.

Since there is no chance of early hearing of the appeal in the near future as paper book has not been prepared and it is an appeal of the year 2021 and keeping in view the ratio laid down by this Court in the case of ***Leti @ Jayadeb Roy and another -Vrs.- The State reported in (1990) 3 Orissa Criminal Reports 427***, 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 appellant-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 trial Court subject to condition that the petitioner shall not indulge in any criminal activities in any manner.

Violation of any of the conditions shall entail cancellation of interim bail.

The I.A. is disposed of accordingly.

(S.K. Sahoo)
Judge



CRLA No.153 of 2021

12. List this matter in the week commencing from 23.12.2024. Learned counsel for the appellant shall produce the surrender certificate of the appellant on the next date.

Urgent certified copy of this order be granted as per rules.

(S.K. Sahoo)
Judge

RKM