
Sri Mantosh Malakar Vs State Of Orissa

Criminal Appeal No. 20 Of 2016

Court: Orissa High Court

Date of Decision: July 29, 2021

Acts Referred:

Narcotic Drugs & Psychotropic Substances Act, 1985 " Section 20(b)(ii)(C)

Hon'ble Judges: S. K. Sahoo, J

Bench: Single Bench

Advocate: S.K.Tripathy, S.S. Pradhan

Final Decision: Disposed Of

Judgement

Ã, S.K. Sahoo, J

I.A. NOS.127 OF 2021, 188 OF 2021, 189 OF 2021 AND 285 OF 2021

This matter is taken up by video conferencing mode.

Heard Mr. S.K. Tripathy, learned counsel appearing for the appellants and Mr. S.S. Pradhan, learned Addl. Government Advocate for the State.

The names of Mr. Diptiranjana Mohapatra and his associates shall not be reflected in the cause list henceforth.

These interim applications for interim bail have been filed by the appellants nos. 4 and 6 in I.A. No.127 of 2021, appellant no.3 in I.A. No.188 of 2021,

appellants nos. 1 and 2 in I.A. No.189 of 2021 and appellant no.5 in I.A. No.285 of 2021.

The appellants-petitioners have 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

each and to pay a fine of Rs.1,00,000/- (rupees one lakh), in default, to undergo further R.I. for a period of two years each by the learned Sessions

Judge -cum- Special Judge, Malkangiri in C.T. Case No.97 of 2014.

Perused the impugned judgment.

These applications are for interim bail of the appellants mainly on the ground that they are in judicial custody since 19.08.2014 and out of ten years of

substantive sentence imposed by the learned trial Court, they have virtually undergone substantive sentence of seven years and there is no likelihood

the appeal being taken up for hearing in the near future and the paper books have also not been prepared.

Learned counsel for the appellants further submitted that appellant no.4 and appellant no.5 were granted interim bail in different applications for some

period and after availing the same, they have surrendered at right time and they have also not misutilized their liberty while on interim bail.

Learned counsel for the State was asked to obtain instruction as to whether there are any criminal antecedents against any of the appellants or not.

Mr. S.S. Pradhan, learned Addl. Government Advocate on instruction from the Inspector in Charge of Malkangiri police station submitted that there is

no other criminal antecedents against any of the appellants. The instruction obtained from Inspector in Charge, Malkangiri police station submitted by

Mr. Pradhan is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the substantive sentence imposed by the learned trial Court, the

period already undergone by the appellants, absence of any chance of early hearing of the criminal appeal in the near future, I am inclined to release

the appellants on interim bail for a period of four months from the date of release and the appellants shall surrender before the learned trial Court

immediately on the expiry of the said period.

For the above period, let the appellants be released on bail to the satisfaction of the learned trial Court in connection with Criminal Trial No.97 of 2014

of the file of learned Sessions Judge -cum- Special Judge, Malkangiri on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) each with two local

solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter.

Accordingly, all the interim applications are disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available

in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's

Notice No. 4587 dated 25th March 2020 as modified by Court's Notice No. 4798 dated 15th April 2021.

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Learned counsel for the appellants shall produce the surrender certificates of the appellants after they surrender availing the interim bail period as per

the order passed today.