

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.879 of 2023

Kurupati Rana

....

***Appellant/
Petitioner***

Mr. D.R. Mishra, Advocate

-versus-

State of Odisha

....

***Respondent/
Opp. Party***

Mr. P.B. Tripathy

Addl. Standing Counsel

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

**ORDER
04.10.2023**

I.A. No.1869 of 2023

Order No.

02. 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 for bail.

The appellant-petitioner has been convicted under section 20(b)(ii)(C) of the N.D.P.S. Act and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,00,000/- (rupees one lakh), in default of payment of fine, to undergo rigorous imprisonment for a further period of one year by the learned

Sessions Judge -cum- Special Judge, Sonapur vide judgment and order dated 28.07.2023 in Special G.R. Case No.09 of 2014.

Considering the submission made by the learned counsel for the petitioner that the petitioner is in judicial custody since 16.12.2014 and as such he has already undergone seven years and five months of substantive sentence out of ten years of sentence imposed by the learned trial Court and there is no chance of early hearing of the appeal in the near future since it is an appeal of the year 2023 and after going through the custody certificate dated 18.08.2023 produced by the learned counsel for the State, which also substantiates the contention raised by the learned counsel for the petitioner and keeping in view the ratio laid down by the Hon'ble Supreme Court in the case of **Mohd Muslim @ Hussain -Vrs.- State (NCT of Delhi) reported in 2023 LiveLaw (SC) 260**, I am inclined to release the petitioner on bail.

Let the appellant-petitioner be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned trial Court with such terms and conditions as the learned Court may deem just and proper.

The I.A. is accordingly disposed of.

(S.K. Sahoo)
Judge

I.A. No.1870 of 2023

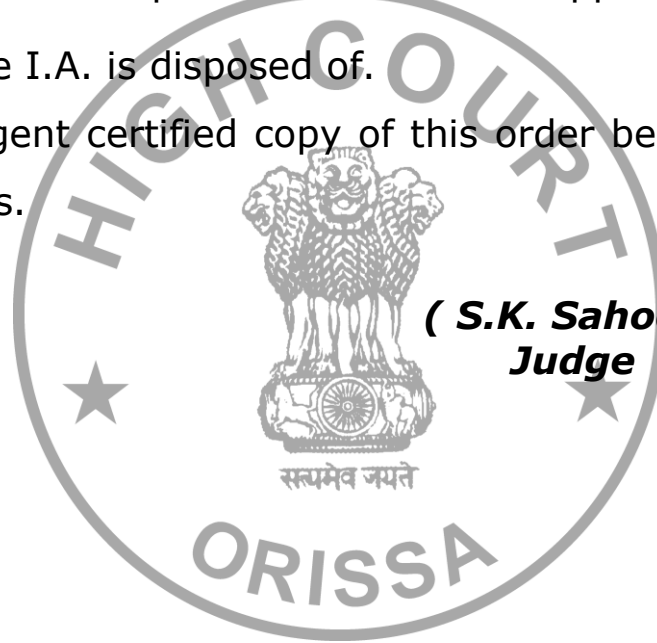
03. Heard.

There shall be stay of realization of fine amount imposed by the learned trial Court on the appellant-petitioner till disposal of the criminal appeal.

The I.A. is disposed of.

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

(S.K. Sahoo)
Judge



RKM