

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 227 OF 2021

Arbinda Ray

..... *Petitioner*
Mr. N.R. Sahoo, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
21.06.2022

Order No.

10.

1. This matter is taken up through Hybrid Mode.
2. Heard learned Counsel for the petitioner and learned Counsel for the State.
3. The petitioner is an accused in connection with T.R. Case No. 86 of 2020 corresponding Malkangiri P.S. Case No. 301 of 2020, pending on the file of the learned Sessions Judge-cum-Special Judge, Malkanagiri for the alleged commission of offence under Sections-20(b)(ii)(C)/27-A of the NDPS Act. The petitioner is in custody since 24.12.2020.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Malkanagiri by Order dtd. 04.01.2021 in T.R. No.86 of 2020, the present BLAPL has been filed.

5. Learned counsel for the petitioner relying on the order dtd. 19.05.2022 passed by this Court in BLAPL No. 3335 of 2022 in respect of the co-accused, seeks release inter alia on the ground of parity.

6. Learned counsel for the State opposes such prayer for bail relying on the bar under Section-37 of the NDPS Act and also submits that the ground of parity as urged is misconceived.

7. Considering the submissions made and keeping in view the period of custody of the petitioner since 24.12.2020, trial not having commenced, keeping in view of the order passed by the Apex Court in the case of *Hussainara Khatoon & Others Vrs. State of Bihar*, reported in (1980) 1 SCC 81, and the release of the co-accused as per the order referred to hereinabove, this Court directs the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter

8. The BLAPL thus stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*