

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.472 of 2020

Sidhartha Mangaraj

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

06.01.2022

Order
No.

04.

1. This matter is taken up through hybrid mode.
2. The Petitioner being in custody in T.R. Case No.34 of 2017, arising out of Spl. G.R. Case No.106 of 2016 in connection with Banigochha P.S Case No.71 of 2016, pending in the court of Special Judge, Nayagarh, has filed this petition for his release on bail. The offences alleged against him is punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. It appears that the Petitioner had earlier approached this Court vide BLAPL Nos.4221 and 7824 of 2017, which were rejected vide order dated 13th July, 2017 and 12th March, 2018 by a reasoned order looking into the materials on record. Petitioner has now renewed his prayer for pre-arrest bail in the present bail application on the ground

that since the co-accused has already been released on bail by a coordinate Bench of this Court, the Petitioner deserves to be released on bail.

5. However, it is not brought to the notice of the Court that the mandate of law provided in Section 37(1)(b) of the N.D.P.S. Act has been addressed to while releasing the co-accused on bail. Hence, the same cannot be ground to release the Petitioner on bail on the ground of parity.

6. As such, in view of the law laid down in the case of ***Sudam Karan -Vrs.- State of Odisha, reported in (2014) 58 OCR (SC) - 747***, the contention advanced to extend the benefit of parity is not applicable to the Petitioner.

7. Accordingly, the prayer for bail of the Petitioner stands rejected and the BLAPL is disposed of being dismissed.

8. It is stated that the Petitioner is in custody since 25th December, 2016. If that be so, trial court is directed to expedite the trial of the aforesaid case and conclude the same as early as possible.

(S. Pujahari)
Judge

DA