

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 671 of 2021

Bichitra Mohanty

....

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
25.04.2022

Order No.

06.

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 C.T. Case No.39 of 2020, on the files of learned Additional District and Sessions Judge-cum-Special Judge, Baliguda, Dist-Kandhamal, arising out of Baliguda P.S. Case No.140 of 2020, under Sections 20(b)(ii)(c)/25/29 of the NDPS Act and is in custody since 15.08.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-Additional District & Sessions Judge, Balliguda, by order dated 27.08.2020 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner relies on the order passed by this Court dated 30.09.2021 in respect of co-accused in BLAPL

No.7275 of 2021 and order dated 07.04.2022 in BLAPL No.796 of 2021 and seeks release of the petitioner inter alia, on the ground of the parity.

6. Learned counsel for the State opposes the move, stating that from the role ascribed to the petitioner it cannot be said that the petitioner is similarly circumstanced with the other two whose bail applications were allowed by the orders stated above.

7. And also, in view of the bar under Section 37 of the NDPS Act the petitioners bail is liable to be rejected.

8. Taking note of the orders passed by this Court and the submission of the learned counsel for the petitioner that the petitioner has no criminal proclivity, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. While enlarging the petitioner on bail, learned Court below shall find out as to whether the petitioner has any criminal antecedent.

10. If such antecedents come to the fore, the present order granting bail will stand recalled automatically without any further reference of this Court.

11. The present BLAPL is disposed of accordingly.

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

(V. NARASINGH)
Judge

Santoshi