

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 1065 OF 2021

Mantu Biswas @ Montu Biswas

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

-versus-

State of Odisha

..... *Opposite Party*
Mr. D.Mund, AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
05.05.2022

Order No.
11.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with T.R. Case No. 169 of 2020 arising out of Malkangiri P.S. Case No. 431 of 2020 on the file of learned Sessions Judge, Malkangiri, registered for the alleged commission of offence under Sections 20(b)(ii)(C)/25 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Sessions Judge, Malkangiri by order dated 25.01.2021, the present BLAPL has been filed
5. Learned counsel for the petitioner places reliance on record, the order dated 10.05.2021 passed by learned Additional Sessions Judge-cum-Special Judge, Malkangiri in Criminal Appeal No. 7 of 2021, by which the co-accused Atish Raj was

released on bail and prays for consideration of his bail application inter alia, on the ground of parity.

6. Learned counsel for the State referring to the order passed by the learned Special Judge, Malkangiri submits that the consideration which weighed with the court below was that the appellant therein Atish Raj, was treated as CCL and hence, the same cannot ennure to the benefit to the present petitioner.

7. Taking into account the manner of seizure and the period of custody and noting the submission of the learned counsel for the petitioner that the petitioner has no antecedent and in tune with the law laid down by the Apex Court in the case of **Hussainara Khatoon & Others Vrs. State of Bihar**, reported in 1979 AIR 1369, this Court directs that the petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter, so as to ensure presence of the petitioner on each date of trial.

08. Accordingly, the BLAPL stands disposed of.

09. Issue urgent certified copy of this order as per Rules.

(*V.Narasingh*)
Judge

Dhal