

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 1278 OF 2021**

***Abhisek Kumar***

**..... *Petitioner***  
***M/s Bini Mishra,***  
***Satya Mohanty, Adv.***

***-versus-***

***State of Odisha***

**..... *Opposite Party***  
***Mr. K.K. Gaya, ASC***

**CORAM:**  
**JUSTICE V. NARASINGH**

**ORDER**  
**28.03.2022**

**Order No.**

**08.**

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 Special G.R. Case No. 24 of 2021, on the file of learned Sessions Judge -cum-Special Judge, Malkangiri in the District of Malkangiri, arising out of Malkangiri P.S. Case No. 36 of 2021, 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 -cum-Special Judge, Malkangiri in the District of Malkangiri by order dated 8.02.2021, in the aforesaid case, the present BLAPL has been filed.
5. It is stated by the learned counsel for the Petitioner that the Petitioner is similarly circumstanced with one Narasingh Durka, whose bail application was allowed by order dated 16.03.2022 by of this Court in

BLAPL No. 1356 of 2021. It is further asserted that the Petitioner is not the owner-cum-driver as taken note by this Court in BLAPL No. 1356 of 2021.

6. Learned counsel for the State on the basis of recitals in the Case Diary more particularly with reference to the Charge Sheet submits that it is specifically stated that the ownership of the vehicle in question has to be established for which investigation of the case at hand has been kept open.

7. It is further submitted by the learned counsel for the Petitioner that he has no criminal proclivity and in fact he was serving in Shasatra Sima Bal, as such there is no chance of fleeing justice.

8. Taking into account the submissions made by the learned counsel for the Petitioner, release of co-accused Narasingh Durka as above and the period of detention i.e., from 5.02.2021, this Court directs that the Petitioner shall be released on bail on such terms and conditions to be fixed by the court in seisin of the matter including that the Petitioner shall appear before the local Police Station once every month till completion of the trial. It is further directed that on the Petitioner failing to appear as above shall entail cancellation of bail.

9. Accordingly, the BLAPL stands disposed of.

( V.Narasingh )  
Judge

Dhal