

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2371 of 2021

Sumanta Mandal

....

Petitioner

Mr. J. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.05.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are an accused in T.R. Case No.170 of 2021, on the files of learned District & Sessions Judge-cum-Special Judge, Malkangiri, arising out of Kalimela P.S. Case No.165 of 2021, under Sections 20(b)(ii)(c) of the N.D.P.S. Act and is in custody since 14.12.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of the Sessions Judge-cum-Special Judge, Malkangiri, by order dated 13.01.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner relies on the order of this Court passed in order dated 21.04.2022 passed in BLAPL No.5849 of 2021 seeks release of the petitioner inter alia on the ground of parity.

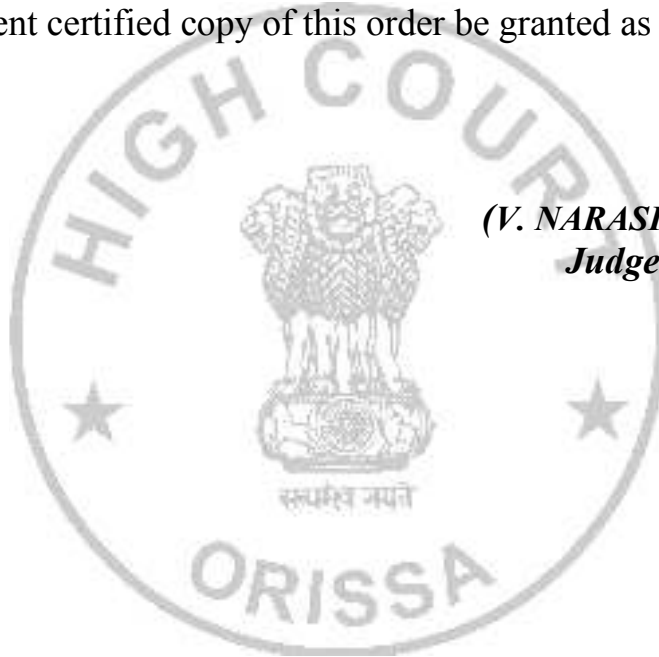
6. Learned counsel for the State referring to the quantity of contraband seized submits that in view of the bar under Section 37 of the NDPS Act, it is not open to the petitioner to plead innocence at this stage.

7. Considering the period of custody and release of the co-accused, this Court directs the petitioners to be released on bail, on such terms to be fixed by the learned Court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

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

Santoshi



(V. NARASINGH)
Judge