

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2579 of 2021

Asim Kumar Behera

....

Petitioner

Mr. G.R. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.05.2022

Order No.

08.

1. This matter is taken up through hybrid mode.
2. The petitioner is an accused in Excise P.R. Case No.186 of 2020-21, on the files of learned Sessions Judge, Khurda, Dist-Khurda, arising out of T.R. Case No.65 of 2021, under Sections 20(b)(ii)(c) of the N.D.P.S Act and is in custody since 05.02.2021.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of District & Sessions Judge, Khurda at Bhubaneswar, by order dated 15.03.2021 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the petitioner submits that co-accused similarly circumstanced has been released on bail by order of this Court dated 18.04.2022 in BLAPL No.2740 of 2022.
5. It is stated that since the petitioner has no criminal proclivity, he may be released on bail inter alia on the ground of parity.

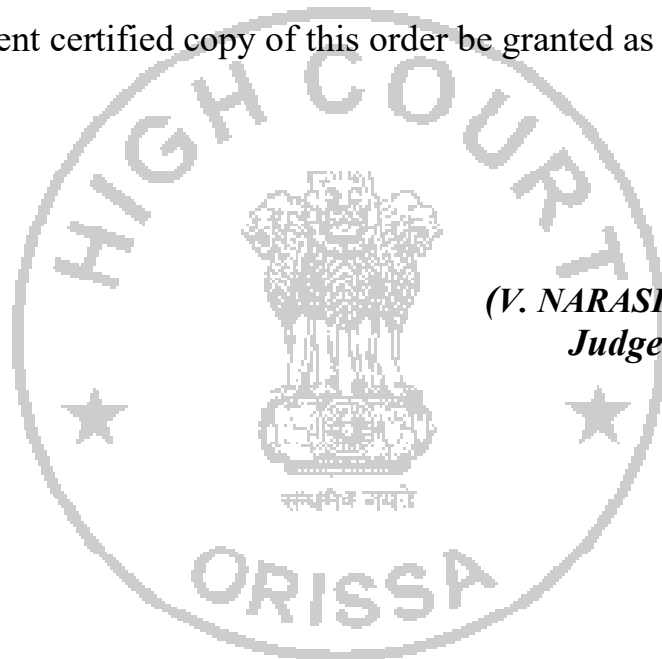
6. Opposing such prayer, the learned counsel for the State referring to the quantity of contraband seized submits that in view of the bar enacted under Section 37 of the NDPS Act the petitioner's bail application is liable to be rejected.

7. On a conspectus of materials on record and taking into account the release of co-accused as noted above, 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.

8. Accordingly, the BLAPL stands disposed of.

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

Santoshi



(V. NARASINGH)
Judge