

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

**BLAPL No. 2621 OF 2021**

***Balaram Behera***

***..... Petitioner  
Mr. J.K.Panda, Advocate***

***-versus-***

***State of Odisha***

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

**CORAM:  
JUSTICE V. NARASINGH**

**ORDER  
06.05.2022**

**Order No.  
06.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The petitioner is an accused in G.R. Case No. 32 of 2020 (N) on the file of the Learned Additional Sessions Judge-cum-Special Judge, Chatrapur, Ganjam, arising out of Chamakhandi P.S. Case No. 158 of 2020, for commission of alleged offence under Sections-20(b)(ii)(C)/29 of N.D.P.S. Act.
4. Being aggrieved by the order dated 21.01.2020 passed by the Learned Additional Sessions Judge-cum-Special Judge, Chatrapur, Ganjam in G.R. Case No. 32 of 2020(N), rejecting the bail application of the petitioner, the present BLAPL has been filed.
5. Learned Counsel for the Petitioner relies on the orders passed by this Court dated 22.04.2022 in BLAPL No. 771 of 2021

and order dated 2.05.2022 in BLAPL No. 2131 of 2021 and seeks release of the petitioner inter alia, on the ground of parity.

6. Per contra, the learned counsel for the State opposes the prayer for bail relying on the bar contained under Section-37 of the NDPS Act and submits that the bail application does not merit consideration. Learned counsel for the State further submits that at this stage it is not open for the Court to consider the plea of parity as advanced.

7. It is stated at the Bar that in the trial the independent witnesses have not supported the prosecution.

8. On a conspectus of material on record and taking note of submission regarding the conduct of independent witness in trial, and release of the co-accused, this Court directs the petitioner to be released on bail on such terms and conditions to be fixed by the learned Court in seisin over the matter to ensure his attendance on each date of trial

9. The Bail Application thus stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

*Dhal*

**( V.Narasingh )**  
**Judge**