

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2627 OF 2021

Purna Chandra Mallick

..... Petitioner
Mr. Anirudha Das, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
10.05.2022

Order No.
08.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in C.T. Case No. 09 of 2021 on the file of the learned Additional Sessions Judge-cum- Spl. Judge, Baliguda arising out of Baliguda P.S. Case No. 15 of 2021 alleged for commission of offence Under Sections- 20(b)(ii)(c)/25 and 29 of the NDPS Act. and is in custody since 09.02.2021.
3. Being aggrieved by the rejection of his application for bail U/Sec. 439 Cr.P.C by the learned Addl. Sessions Judge-cum- Spl. Judge, Baliguda by Order dtd. 05.03.2021 in C.T. No. 09 of 2021, the present BLAPL has been filed.
4. Heard Mr. A. Das, learned counsel for the petitioner and Mr. K.K. Gaya, learned counsel for the State.

5. Learned counsel for the petitioner relies on the order passed by this Court dtd. 23.09.2021 in BLAPL No. 3786 of 2021 and the order dtd. 15.03.2022 in BLAPL No. 2915 of 2021 seeks release of the petitioner inter alia on the ground of parity.

It is further submitted by the learned counsel for the petitioner that, the petitioner has no criminal antecedent, hence his further continuance in custody is unwarranted, since trial has not commenced.

6. Learned counsel for the State opposes the prayer for bail and in view of the bar containing under Section 37 of the NDPS Act and also submits that the petitioner is not similarly circumstanced with the co-accused, whose bail application was favourably considered by this Court.

7. Considering the period of detention 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.

8. The Bail Application thus stands disposed of.

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

Balaram

(V.Narasingh)
Judge