

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3428 of 2022

Nilanchala Padhi

....

Petitioner

Mr. S. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.08.2022

Order No.

02.

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 Spl. G.R. Case No.102 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Chitrakonda P.S. Case No.139 of 2021, under Sections 20(b)(ii)(C)/25/27/29 of the NDPS Act and is in custody since 23.10.2021.
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, by order dated 25.10.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the State on Perusal of the Case Diary submit that the recovery was from Mahindra XUV-500 vehicle.

6. It is submitted by the learned counsel for the petitioner since the petitioner was the driver cum owner of the Maruti Suzuki Swift Dzire Car and the allegations is that the petitioner was escorting the contraband loaded in the Mahindra XUV. It is further submitted that one Deepak Jena similarly circumstanced has already been released on bail by this Court by order dated 06.07.2022 passed in BLAPL No.84 of 2022.

7. Considering the nature of the allegations and taking into account that there was no recovery of the contraband from the petitioners vehicle and release of the accused who is prima facie similarly circumstanced, 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. Additionally, it is directed that the petitioner shall appear before the IIC of Orkel police station once in every week till the conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi