

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3511 of 2022

Kalinga Kesari Pradhan

....

Petitioner

Mr. J. Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.05.2022

Order No.

01.

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 Special C.T. Case No.11 of 2021, on the files of learned Special Judge cum Additional District and Session Judge, Baliguda arising out Baliguda P.S. Case No.42 of 2021, under Sections 20(b)(ii)(C)/25 of the NDPS Act and is in custody since 01.03.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-Additional District Judge, Baliguda District Kandhamal, by order dated 28.03.2022 in the aforementioned case, the present BLAPL has been filed.

5. Relying on the order passed by this Court dated 10.03.2022 in BLAPL No.2646 and 5443 of 2021 the petitioner seeks to be released on bail inter alia on the ground of parity.
6. Learned counsel for the State opposes the move stating that the petitioner is not similarly circumstanced since he was the driver of the vehicle from which the contraband was recovered.
7. It is stated at the Bar that the petitioner is in custody since 02.03.2021 and trial has not commenced. Keeping in view the law laid down by the Apex Court in the case of ***Hussainara Khatoon & Ors vs. State of Bihar*** reported in ***1979 AIR 1369***, and taking into account the release of 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 so as to ensure his presence in the concerned police station each date of trial.
8. The present BLAPL is disposed of accordingly.
9. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi