

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4133 of 2022

Raju Dey

....

Petitioner

Mr. S. Udgata, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.08.2022

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 T.R. Case No.111 of 2020(A), on the files of Sessions Judge-cum-Special Judge, Malkangiri, arising out of Orkel P.S. Case No.166 of 2020, under Sections 20(b)(ii)(c)/27-A/29 of the NDPS Act.
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 25.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Learned counsel for the petitioner placing reliance on the charge sheet which is on record submits that the basis of implication is on account of the statement made by the co-accused Damburu Gouda.

7. It is submitted with vehemence that there is no other materials other than the statement of the co-accused and that one co-accused Narasingh Kalpura similarly circumstanced has since being released on bail on 01.08.2022 in BLAPL No.9326 of 2020.

8. Learned counsel for the State opposes the prayer for bail inter alia relying on the bar under Section 37 of the NDPS Act and submits that question of parity cannot be taken into account at this stage.

9. On a conspectus of materials on record and taking onto account filing of charge sheet and release of the co-accused who is prima facie similarly circumstanced, this Court directs the petitioner to be released on bail. The learned Court in seisin over the matter to fix the terms including that one of the sureties shall be his immediate family member.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi