

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3315 OF 2021

Rama Chandra Digal

..... *Petitioner*
Mr. S.K. Baral, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
08.04.2022

Order No.
06.

1. This matter is taken up through Hybrid Mode.
2. In view of the subsequent Vakalatnama filed by Sri S.K. Baral and associates, which has been counter signed by the Prison Welfare Officer on 10.03.2022. The earlier Prisoner's petition is ignored.
3. Learned counsel for the petitioner seeks leave to correct the 2(a) C.C. Case Number in the cause title page, since instead of 2(a) C.C Case No. 08 of 2021, it has been wrongly reflected as 2 (a) C.C. No. 02 of 2019. Leave is granted.
4. The petitioner is an accused in connection with 2(a) C.C. Case No. 08 of 2021 on the file of the Learned Sessions Judge-cum-Special Judge, Cuttack, arising out of Cuttack Excise EI & EB Unit-II P.R. No. 150 of 2020-21, for commission of alleged

offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 25.02.2021.

5. Being aggrieved by the order dtd. 15.04.2021 passed by the Learned Sessions Judge-cum-Special Judge, Cuttack in 2 (a) C.C. Case No. 08 of 2021, rejecting the bail application of the petitioner, the present BLAPL has been filed.

6. Heard Mr. S.K. Baral, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

7. Learned Counsel for the Petitioner referring to the order of the co-accused dtd. 30.03.2022 passed in BLAPL No. 2543 of 2021 seeks interference of this Court inter alia on the ground of parity.

8. It is also stated by the learned counsel for the petitioner that the petitioner has no criminal proclivity.

9. Taking into account that the co-accused has already been released on bail, this Court directs that the petitioner shall be released on bail, on such terms to be fixed by the learned Court in seisin over the matter.

10. While fixing such terms, learned Court is called upon to verify the regarding the criminal antecedent of the present petitioner.

11. If it comes to the fore that the petitioner has any criminal antecedent, this order shall not be given effect to and shall stand recalled without any further reference to this Court.
12. The Bail Application thus stands disposed of.
13. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*

