

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3372 OF 2021

Mahananda Haldar

***..... Petitioner
Mr. N.R. Sahoo, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Mr. S.S. Pradhan, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
22.06.2022**

**Order No.
07.**

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 connection with Special G.R. Case No. 22 of 2021 arising out of M.V.79 P.S. Case No. 09 of 2021 pending on the file of learned Sessions Judge-Cum-Special Judge, Malkangiri, registered for the alleged commission of offence under Sections 20(b)(ii)C/25/27-A/29 of the NDPS Act. The petitioner is in custody since 31.12.2020.
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 02.02.2021 in Special G.R. Case No. 22 of 2021, the present BLAPL has been filed.

5. Learned counsel for the petitioner places reliance on the orders passed by this Court order dtd. 21.09.2021 in BLAPL No. 1006 of 2021 and BLAPL No. 6522 of 2021, Order dtd.12.11.2021 in BLAPL No. 1821 of 2021 and Order dtd. 30.11.2021 in BLAPL No. 1379 of 2021, in respect of the co-accused and seeks release of the present petitioner inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail and submits that the petitioner admittedly is not similarly circumstanced and in view of the bar under Section 37 of the NDPS Act, the bail application of the petitioner is liable to be rejected.

7. It is seen that the petitioner is in custody since 01.02.2021 and as stated at the Bar the trial has not commenced. In view of the law laid down in the case of **Hussainara Khatoon & Others Vrs. State of Bihar**, reported in **(1980) 1 SCC 81**, release of the co-accused and considering the age of the petitioner, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the court in seisin of the matter.

8. Accordingly, the BLAPL stands disposed of.

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

(V.Narasingh)
Judge

Balaram