

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3394 OF 2021

B.Kumar @ B.Kunar Reddy

***..... Petitioner
Mr. N. Panda, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Mr. D.Mund, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
31.03.2022**

**Order No.
04.**

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No. 39 of 2019 corresponding Machhkund P.S. Case No. 78 of 2019, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Koraput for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act and the petitioner is in custody since 07.12.2019.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. District and Sessions Judge-cum-Special Judge, Koraput by Order dtd. 19.04.2021 in T.R. No. 39 of 2019, the present BLAPL has been filed.
4. Heard learned Counsel for the petitioner and learned Additional Government Advocate for the State.

5. It is apt to state here that by Order dtd. 23.02.2021 passed in BLAPL No. 1134 of 2020, this Court has rejected the bail application of the present petitioner. The same has been mentioned in the certificate given.

6. Learned counsel for the petitioner places reliance on the order of this Court dtd. 15.02.2022 passed in BLAPL No. 11442 of 2021 by which one Dandapani Khemundu was directed to be released on bail and submits that since he is the driver of the vehicle in which Dandapani was an occupant, he should be released on bail on the ground of parity.

7. On perusal of the F.I.R., it is seen that it is the case of the prosecution that the car in which the petitioner was driving said Dandapani Khemundu was an occupant.

8. Taking into account that Dandapani Khemundu has been released on bail by this Court, it is directed that the petitioner shall be released on bail in connection with T.R. Case No. 39 of 2019 corresponding Machhkund P.S. Case No. 78 of 2019, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Koraput, on such terms to be fixed by the Learned Court in seisin of the matter.

9. The BLAPL thus stands disposed of.

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

(V.Narasingh)
Judge