

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3588 OF 2021

Susanta Das @ Bubby

..... *Petitioner*
Mr. D.R. Bhokta, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Miss S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
31.03.2022

Order No.
06.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. No. 37 of 2020 corresponding to Sunabeda P.S. Case No. 102 of 2020, 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 24.06.2020.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Koraput by Order dtd. 05.03.2021 in T.R. No. 37 of 2020, the present BLAPL has been filed.
4. Heard learned Counsel for the petitioner and learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner relying on the order passed by this Court dtd. 04.08.2021 in BLAPL No. 8772 of 2020, seeks his release on the ground of parity.

It is further submitted that persons named in the FIR have been released on bail by this Court by order dtd. 05.11.2021 in BLAPL No. 7685 of 2021 and BLAPL No. 9064 of 2021.

6. It is submitted by learned counsel for the petitioner that other co-accused, who have already been granted bail by this Court, numbers of which stated hereunder;

1. BLAPL No. 9836 of 2021- Chandan Kumar Sahoo
2. BLAPL No. 5135 of 2020- Golak Kumar Pattnaik
3. BLAPL No. 1349 of 2021- Pradeep Jena @ Pradip Kumar Jena
4. BLAPL No. 8772 of 2020- Susanta Kumar Sahoo
5. BLAPL No. 9893 of 2021-T.P. Prasad Raju

7. It is stated by the learned counsel for the petitioner that the basis of his implication is on the basis of Co-accused statement and relying on the judgment of the Apex Court in the case of *Tofan Singh Vs. State of Tamilnadu* reported in (2020) **80 OCR (SC)-641** seeks to be enlarged on bail.

8. Keeping in view, the release of the co-accused and taking into account the period of detention, this Court directs the petitioner shall be released on bail in connection with T.R. No. 37 of 2020 corresponding to Sunabeda P.S. Case No. 102 of 2020, 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.

Balaram

*(V.Narasingh)
Judge*

