

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4616 of 2022

Bapu Mohapatra

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Zafrulla, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
07.06.2022

Order No.

03.

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 G.R. Case No.48 of 2020(N), on the files of learned 1st Additional Sessions Judge-cum-Special Judge, Berhampur, arising out of Bada Bazar P.S. Case No.367 of 2020, offences punishable under Sections 20(b)(ii)C of the NDPS Act and is in custody since 03.12.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Berhampur, by order dated 01.07.2021 in the aforementioned case, the present BLAPL has been filed.

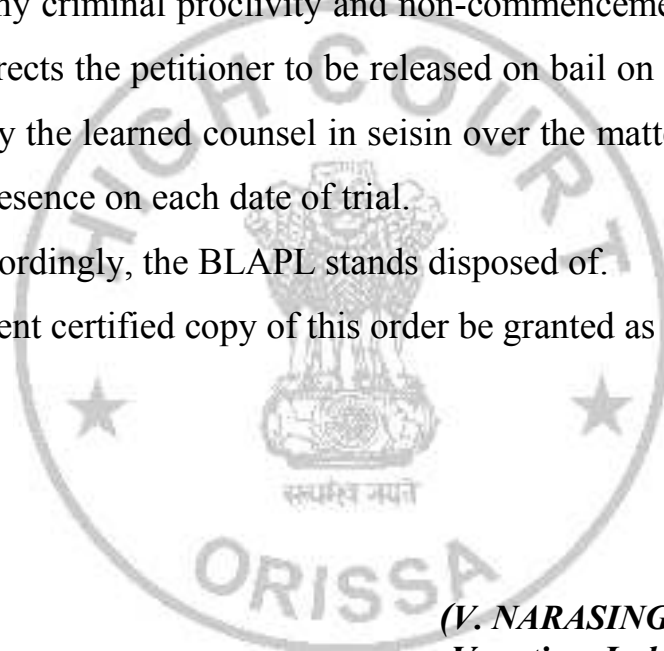
5. It is submitted by the learned counsel for the petitioner that he is similarly circumstanced with the co-accused released on bail by order dated 29.04.2022 in BLAPL No.5877 of 2021.

6. Learned counsel for the State rebuts such submission stating that at this stage it is not open for the Court to consider the ground of party in view of the bar contended under Section 37 of the NDPS Act.

7. Taking into account the manner of seizure, the petitioner not having any criminal proclivity and non-commencement of trial, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned counsel in seisin over the matter, so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Vacation Judge

Santoshi