

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4883 of 2022

Bina @ Binod Kumar Pradhan* *Petitioner

Mr. B.B. Routray, Advocate

-versus-

State of Odisha* *Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
16.08.2022

Order No.

02.

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 accused in Special Case No.107 of 2015 arising out of Chhendipada P.S. Case No.175 of 2015, pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Angul, under Section 20(a)(i) of N.D.P.S. Act .
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Rourkela, by order dated 23.05.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the basis of implication is on account of statement of local Grama Rakhi who allegedly identified the present petitioner and one Kandarpa Sahoo.

6. It is submitted that the said Kandarpa Sahoo was released on bail by this Court vide order dated 11.01.2017 in BLAPL No.8366 of 2016. Hence on the ground of parity the petitioner seeks bail.

7. Learned counsel for the State opposes the prayer relying on the order of rejection, which clearly indicates that because of non apprehension of the present petitioner, the trial is lingering.

8. The petitioner is stated to be in custody since 14.05.2022. Taking into account the period of custody and release of the co-accused adverted to above, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter, additionally, it is directed that one of the sureties shall be immediate family member and the petitioner shall not leave the territorial jurisdiction of the Court in seisin over the matter without express permission of the Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha