

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4235 of 2021

Shankar Hindia

....

Petitioner

Mr. A.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.S. Pradhan, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

24.06.2022

Order No.

08.

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 T.R. Case No.118 of 2020, on the files of learned Sessions Judge-cum-Special Judge, Malkanagiri, arising out of Mathili P.S. Case No.138 of 2020 under Sections 20(b)(ii)(C) of NDPS Act and is in custody since 02.10.2020.
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, Malkanagiri, by order dated 27.04.2021 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the basis of implication is on account of co-accused statement and placing reliance on the judgment of Apex Court in the Case of ***Toffan Singh vs. The State of Tamil Nadu***, reported in ***(2020) 80 OCR 641*** seeks release.

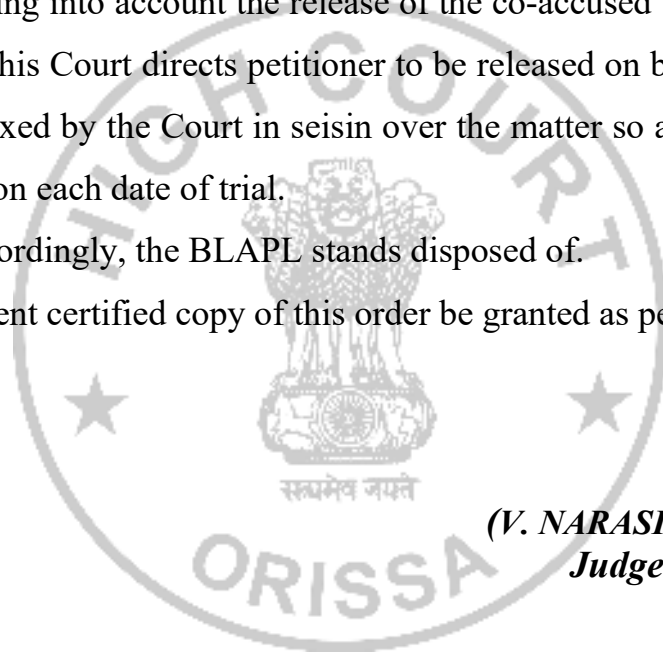
6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that in view of the bar under Section 37 of the NDPS Act, the bail application does not deserve consideration and it is further submitted that the judgment of Apex Court in the case of **Toffan Singh (Supra)** does not ip so facto apply at the stage of consideration of an application under Section 439 Cr.P.C.

7. It is also submitted by the learned counsel for the petitioner that the co-accused one Lalu Paik has been released on bail by this Court by order dated 13.05.2022 in BLAPL No.8839 of 2020.

8. Taking into account the release of the co-accused the basis of implication, this Court directs petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter so as to ensure his presence on each date of trial.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi