

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4267 OF 2021

Narasingh Khilla

..... *Petitioner*
Mr. J.K. Panda, Adv.

-versus-

State of Orissa

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

CORAM:
JUSTICE V. NARASINGH

ORDER
04.04.2022

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Special G.R. Case No. 14 of 2021 on the file of the Learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Orkel P.S. Case No. 17 of 2021, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 21.01.2021.
3. Being aggrieved by the order dtd. 21.01.2021 passed by the Learned Sessions Judge-cum-Special Judge, Malkangiri in Spl. G.R. No.14 of 2021, rejecting the bail application of the petitioner, the present BLAPL has been filed.
4. Heard Mr. J.K. Panda, learned counsel for the petitioner and Mr. D. Mund, learned Additional Government Advocate for the State.

5. Considering that the co-accused has already been released on bail by order dtd. 15.02.2022 in BLAPL No. 7204 of 2021. Learned counsel for the petitioner seeks interference of this Court on the ground of parity.

6. Learned counsel for the State opposing such move submits that since the petitioner is found to be in conscious possession, in view of the bar under Section-37 of the NDPS Act, the case at hand does not merit consideration.

7. On a conspectus of materials on record, taking into account the order passed by this Court adverted to above and the factum that the petitioner is in custody since 21.01.2021 and that trial has not commenced, this court directs the petitioner to be released on bail in connection with Special G.R. Case No. 14 of 2021 on the file of the Learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Orkel P.S. Case No. 17 of 2021, on such terms to be fixed by the learned Court in seisin of the matter.

8. The Bail Application thus stands disposed of.

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