

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4367 OF 2021

Narayan Pradhan

***..... Petitioner
Mr. A.R. Panda, Adv.***

-versus-

State of Orissa

***..... Opposite Party
Mr. K.K. Gaya, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
06.04.2022**

Order No.

07.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with 2(a) C.C. No.4 of 2020 on the file of the Learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R. No. 278 of 2017-2018, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act, and is in custody since 18.02.2020.
3. Being aggrieved by the order dtd. 18.12.2020 passed by the Learned Sessions Judge cum- Special Judge, Cuttack in 2(a) C.C. 04 of 2020, rejecting the bail application of the petitioner, the present BLAPL has been filed.
4. Heard Mr. A.R. Panda, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
5. Learned Counsel for the Petitioner submits that he is the owner-cum- driver of the vehicle from which the contraband was seized. As he is plying the vehicle to earn his livelihood as such

he has no control over the belonging being carried in the vehicle, as ill luck would have it, the material carried in the vehicle was found to be contraband beyond the permissible limit and as such he has been arrayed as an accused, a And since he is in custody from 18.02.2020 and relying on the order passed by this Court dtd. 09.09.2021 in BLAPL No. 5032 of 2020 on the ground of parity prays for discretion of the Court to be exercised in his favour.

6. Opposite such prayer, the learned counsel for the State pointed out that there is material on record which clearly indicate the complicity of the petitioner and his innocence as pleaded does not merits consideration of this Court. It is also stated by the learned counsel for the State on instruction that since the trial has already been commenced, there is no justification to release the petitioner on bail at this stage.

7. Considering that the co-accused has already been released on bail, this Court directs the petitioner shall be released on bail, on such terms to be fixed by the learned Court in seisin of the matter, including the conditions that, he shall appear in person on each date of trial and shall not in any way try to intimidate or influence the witnesses.

8. The Bail Application thus stands disposed of.

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