

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4673 OF 2021

Sanuja Kanhar

..... *Petitioner*
Mr. Sitikant Mishra, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Miss S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
13.05.2022

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in C.T. Case No. 35 of 2021 on the file of the learned District & Sessions Judge-cum- Special. Judge, Phulbani, arising out of Phiringia P.S. Case No. 48 of 2021 alleged for commission of offence Under Sections- 20(b)(ii)(c)/ 25/29 of the NDPS Act and he is in custody since 23.04.2021.
3. Being aggrieved by the rejection of his application for bail U/Sec. 439 Cr.P.C by the learned. Sessions Judge-cum- Special. Judge, Phulbani by Order dtd. 03.05.2021 in C.T. Case No. 35 of 2021, the present BLAPL has been filed.
4. Heard Mr. Sitikant Mishra, learned counsel for the petitioner and Miss S. Mishra, learned counsel for the State.

5. Learned counsel for the petitioner submits that he was the owner-cum-driver of the vehicle from which contraband was recovered. It is stated that, he has no proof of the contraband carried in the boot of the car and victim of circumstance.

6. He also places reliance on the order passed by this Court dtd. 10.05.2022 in BLAPL No. 10156 of 2021 whereby the co-accused was allowed to go on bail and seeks intervention inter alia on the ground of parity.

7. Learned counsel for the State opposes the move relying on the bar enacted under Section-37 of the NDPS Act.

8. Taking into account the release of the co-accused and the role ascribed to the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*