

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5737 of 2022

Niranjan Naik

....

Petitioner

Mr. C. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
19.07.2022

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 an accused in C.T. (Spl.) Case No.06 of 2022, pending on the files of learned Special Judge-cum-District Judge, Talcher, arising out of Talcher P.S. Case No.0415 of 2022, under Sections 21(b) of the NDPS Act and is in custody since 12.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Special Judge, Talcher, by order dated 17.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner places reliance on record the certified copy of the seizure memo indicating that the seizure of the contraband to the tune of 34 gms, the quantity involved in the case at hand was seized from the co-accused Manoranjan Das @ Kulu.

6. The property seizure memo evidencing such seizure from the co-accused Manoranjan Das @ Kulu is kept on record.

7. It is submitted that this Court by order dated 13.07.2022 in BLAPL No.5669 of 2022 has directed release of the co-accused Santosh Jal.

8. Learned counsel for the State though does not dispute the release of the co-accused and the seizure submits that keeping in view the nature of allegations the question of parity cannot be entertained at this stage.

9. Taking note of release of the co-accused and there being no seizure from the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

10. Accordingly, the BLAPL stands disposed of.

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

Santoshi

