

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5928 OF 2022

***Mahesaka Harijan@Maheswar Harijan
@ Ganda***

..... ***Petitioner***
Mr. A.Das, Advocate

-versus-

State of Odisha

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
21.07.2022**

Order No.
01.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No. 05 of 2022 arising out of Kosagumuda P.S. Case No. 28 of 2022, pending on the file of the learned Sessions Judge-cum-Special Judge, Nabarangpur for the alleged commission of offence under Sections-20(b)(ii)(C)/29 of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Nabarangpur by Order dtd. 10.03.2022 in T.R. No. 05 of 2022, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.
5. Learned counsel for the petitioner submits that the co-accused Jayadan Harijan@Jayakumar Nag and Damarudhar

@Dambarudhar were similarly circumstances have been released on bail by order dtd. 16.05.2022 in BLAPL No. 3280 of 2022 and order dtd. 18.05.2022 in BLAPL No. 3977 of 2022 respectively and seeks inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail invoking the bar under Section 37 of the NDPS Act.

7. Taking into account the release of the co-accused, this Court directs the petitioner to be released on bail on such terms and conditions to be fixed by the learned Court in seisin over the matter including the additional stipulation that the petitioner shall appear on each date of posting before the Trial Court and also shall appear before the jurisdictional Police Station once every two weeks till conclusion of trial.

8. It is submitted that the petitioner has no criminal proclivity. Learned Court below while enlarging the bail petitioner of the petitioner shall verify the same and if it comes to the fore that any criminal antecedents, the order shall stand recalled without any further reference to this Court.

9. The Bail Application thus stands disposed of.

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

(V.Narasingh)
Judge

Balaram