

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5004 OF 2021

Ananta Khilla

..... *Petitioner*
Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. P. Mohapatra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
16.05.2022

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in Special G.R. Case No. 57 of 2021 on the file of the learned Sessions Judge-cum- Special. Judge, Malkangiri arising out of Mathili P.S. Case No. 94 of 2021 alleged for commission of offence Under Sections- 20(b)(ii)(c)/27-A of the NDPS Act.
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, Malkangiri by Order dtd. 18.06.2021 in Spl. G.R. Case No. 57 of 2021, the present BLAPL has been filed.
4. Heard Mr. A.K. Sahoo, learned counsel for the petitioner and Mr. P.Mohapatra, learned counsel for the State.

5. Learned counsel for the petitioner places reliance on the order passed by this Court dtd. 04.03.2022 in BLAPL No. 7722 of 2021 and Order dtd.21.03.2022 in BLAPL No. 6974 of 2021, petitioner seeks release inter alia on the ground of parity.

7. Learned counsel for the State placing reliance on the recitals of the Case Diary submits that, in view of the Bar enacted under Section-37 of the NDPS Act. It is not open for the Court to consider the ground of parity as advanced.

8. On a conspectus of material on record and taking into account the release of the co-accused as stated above, who prima facie, appears to be similarly placed, 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, so as to ensure his presence on each date of trial.

9. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*