

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5053 OF 2021

Viswa Ranjan Jena

***..... Petitioner
Mr. Debasis Sahoo, Adv.***

-versus-

State of Odisha

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
06.04.2022**

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with 2(a) C.C. Case No. 15 of 2021, on the file of the Learned Sessions Judge - cum-Special Judge, Phulbani, arising out of Phulbani P.R. No. 18 of 2021-2022, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 04.06.2021.
3. Being aggrieved by the order dtd. 10.06.2021 passed by the Learned Sessions Judge -cum-Special Judge, Phulbani in 2(a) C.C. Case No. 15 of 2021, rejecting the bail application of the petitioner, the present BLAPL has been filed.
4. Heard Mr. Debasis Sahoo, learned counsel for the petitioner and Mr. Karunakar Gaya, learned Additional Standing Counsel for the State.
5. Learned counsel for the petitioner submits that the co-accused has been released on bail by this Court by order dtd.

05.04.2022 in BLAPL No.4584 of 2021. Hence, seeks indulgence of the Court inter alia on the ground of parity.

It is further submitted that though he is in custody since 04.06.2021, trial has not commenced.

6. It is submitted at the Bar that the petitioner has no criminal proclivity.

7. Learned counsel for the State opposing such move submits that, since the petitioner is found to be in conscious possession, in view of the bar under Section-37 of the NDPS Act, the case at hand does not merit consideration.

8. On a conspectus of materials on record, taking into account the period of detention and that trial has not commenced, this court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin of the matter including the condition that; he shall appear in person before the jurisdictional Police Station once every month. The date of such first appearance to be fixed by the learned Court below.

9. The Bail Application thus stands disposed of.

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

Balaram

(V.Narasimha)
Judge