

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6025 of 2022

Anil Nag @ Giddu

....

Petitioner

Mr. S.R. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.07.2022

Order No.

01.

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 G.R. Case No.6 of 2022, on the files of learned 1st Additional District Judge, Rourkela, arising out of Plantsite P.S. Case No.37 of 2022, under Sections 20(b)(ii)(c)/29 of NDPS Act and 25 of Arms Act and is in custody since 31.01.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela, by order dated 24.06.2022 in the aforementioned case, the present BLAPL has been filed.

5. Relying on the order passed by this Court dated 16.05.2022 in BLAPL No.3512 of 2022 relating to the co-accused, the petitioner seeks intervention inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer relaying on the Section 37 of the NDPS Act and submits that ground of parity cannot be entertain at this stage.

7. Taking into account the release of the co-accused and the submission of learned counsel for the petitioner that petitioner has no criminal proclivity, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

8. It is submitted by the learned counsel for the petitioner that the petitioner has no criminal proclivity. While enlarging the petitioner on bail the learned court below shall very such assertion. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi