

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6030 OF 2022

Rohit Sahu

..... *Petitioner*
Mr.S.B.Panda, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. P.K.Moharaj, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
12.08.2022

Order No.
02.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with Special Case (NDPS) No.52 of 2021 arising out of Kantamal P.S. Case No. 108 of 2017 on the file of learned Addl. District & Session Judge-cum-Special Judge, Kantamal, registered for the alleged commission of offence under Sections 20(6)(ii)(c) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Special Judge, Boudh by order dated 10.06.2022, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner was not present at the spot from where the contraband was seized and the basis of implication was on account of co-accused statement and placing reliance on the judgment of the Apex Court in the case of **Tofan Singh Vrs. The State of Tamilnadu**, reported in (2020) 80 OCR (SC) 641, the petitioner seeks release. It is also

submitted that other co-accused persons similarly circumstanced have been released by this Court by order dated 13.02.2019 in BLAPL No. 6938 of 2018, BLAPL No.3077 of 2019 dtd.17.04.2019, BLAPL No.4846 of 2019 dtd. 21.06.2019 and BLAPL No. 5244 of 2020 dtd. 24.12.2020 and petitioner seeks bail inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer relying on the bar contained under Section 37 of the NDPS Act.

7. Taking note of the basis of implication and release of the co-accused persons, 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.

8. Additionally, it is directed that the petitioner shall appear before the jurisdictional Police Station once every week till conclusion of the trial.

9. Accordingly, the BLAPL stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

(V.Narasimha)
Judge

Dhal