

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6197 of 2022

Rajiba Kanhar@ Tiyan

....

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.09.2022

Order No.

02.

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 C.T. (Spl.) Case No.17 of 2022, pending in the file of learned District and Sessions Judge-cum-Special Judge, Bargarh, arising out of Attabira P.S. Case No.83 of 2022, offence under Sections 20(b)(ii)(C) and 29 of the NDPS Act and is in custody since 04.03.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bargarh by order dated 13.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused similarly circumstanced have been released on bail by this Court by order dated 23.09.2022 in BLAPL No.6165 of 2022

and by order dated 15.09.2022 in BLAPL No.5999 of 2022 hence the release is sought inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail referring to the stipulation as contained under Section 37 of the NDPS Act.

7. Taking into account the release of the co-accused as noted above and that the petitioner has no criminal proclivity, 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. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge