

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6208 of 2022

Biju Nayak

....

Petitioner

Mr. U. Barik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
25.07.2022

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 Special G.R. Case No.11 of 2021, on the files of learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela, arising out of Brahmanitarang P.S. Case No.191 of 2021, for commission of offences under Sections 20(b)(ii)C of N.D.P.S. Act read with Section 25 of the Arms Act and is in custody since 10.10.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional SJ-cum-Special Judge, Rourkela by order dated 07.05.2022 in the aforementioned case, the present BLAPL has been filed.

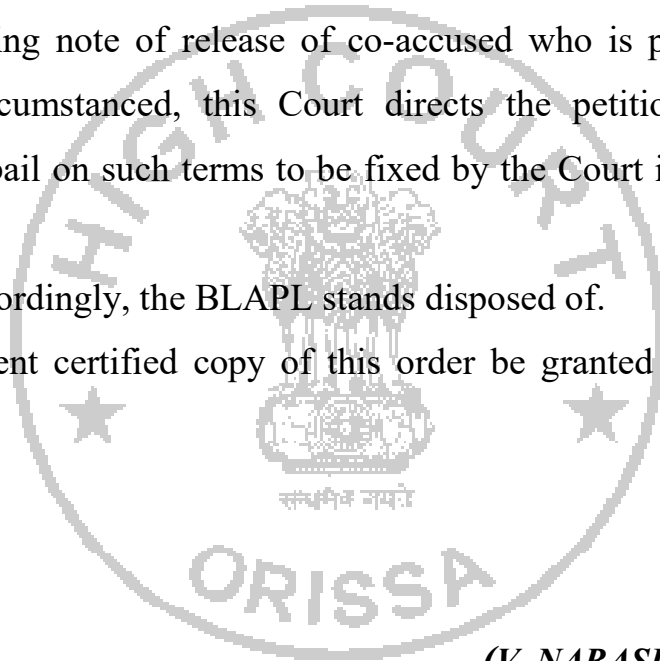
5. Relying on the order passed by this Court dated 28.06.2022 in respect of the co-accused Subrat @ Indrajit Nanda in BLAPL No.5164 of 2022 release inter alia on the ground of parity is sought.

6. Learned counsel for the State submits that the ground of parity cannot be agitated at the stage in view of the bar contend under Section 37 of the NDPS Act. It is not disputed at the bar that in the meanwhile charge sheet has been filed .

7. Taking note of release of co-accused who is prima facie similarly circumstanced, 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. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi