

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5334 OF 2021

Paramananda Nayak

..... *Petitioner*
Mr. A.K.Parida, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
13.04.2022

Order No.
03.

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 G.R. Case No.43 of 2021 arising out of Adava P.S. Case No. 32 of 2021 on the file of learned Special Judge, Gajapati at Paralakhemundi, registered for the alleged commission of offence under Sections 21(b)(ii)(c) and 25/29 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, Gajapati at Paralakhemundi by order dated 7.06.2021, the present BLAPL has been filed.
5. Learned counsel for the petitioner relying on the order of this Court dated 21.02.2022 passed in BLAPL No. 7634 of 2021 seeks the intervention of this Court inter alia on the ground of parity.

6. It is submitted by the learned counsel for the Petitioner that even if the entire prosecution case is accepted at its face value, the only basis of implication is the co-accused statement and since the co-accused has already been released on bail, his further continuance is not warranted and more so when the Charge sheet has already been submitted and the Petitioner is in custody since 9.02.2021.

7. Per contra the learned counsel for the State referring to the very order of this Court and the statement recorded under Section 27 of the Evidence Act, submits with vehemence that overt act is solely attributable to the present Petitioner and therefore, he is not entitled to any parity as claimed.

8. Considering the materials on record and the submissions of the learned counsel for the parties, since the case is based on circumstantial evidence and taking into account the period of detention, this Court is inclined to release the Petitioner on bail on such terms to be fixed by the learned court below in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V.Narasingh)
Judge

Dhal