

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6242 of 2022

Manika Adkatia

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
15.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with T.R. No.31 of 2021, pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Koraput, arising out of Koraput Town P.S. Case No.74 of 2021, for alleged commission of offences under Section 20(b)(ii)(C) of NDPS Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Koraput, by order dated 23.06.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that this is the second journey of the petitioner to this Court inasmuch as the earlier bail application was disposed of giving liberty to the petitioner to move post charge-sheet.

5. Learned counsel for the petitioner submits that the petitioner is similarly circumstanced with one Babu Rao Khilla, who has since been released on bail by this Court by order dated 20.07.2022 in BLAPL No.4441 of 2021.

6. Learned counsel for the petitioner, on instruction, submits that the petitioner was also an occupant of the Bolero vehicle like the co-accused, who has since been released.

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

8. Considering the release of the 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 learned Court in seisin.

9. Before releasing the petitioner, learned Court in seisin is called upon to verify assertion regarding the criminal antecedent of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha