

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5428 of 2021

Joseph Pani

....

Petitioner

Mr. Biswajitranjan Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
19.04.2022

Order No.

03.

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 G.R. Case No.83 of 2020, on the files of learned Special Judge, Gajapati, Paralakhemundi, arising out of Adava P.S. Case No.129 of 2020, under Sections 20(a)(i) of the NDPS Act read with Section 27(1)(a) of the Orissa Forest Act and is in custody since 15.03.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Gajapati, Paralakhemundi, by order dated 22.06.2021, in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that he is engaged as a labourer and was working in the fields in which

cannabis trees have been planted to earn his livelihood. As such he has no complicity much less conscious possession. He relies upon the order of this Court dated 23.03.2022 passed in BLAPL No.5704 of 2021 in the case of Mr. Radhakanta Nayak who is stated to be the principal accused and as such seeks release inter alia, on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail relying on the provisions of NDPS Act and submits that it is not open for the Court at this stage to scrutinize the materials on record and arrive at finding regarding innocence of the petitioner as advanced.

7. On a conspectus of materials on record and taking into account the release of the co-accused as stated above, 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. The present BLAPL is disposed of accordingly.

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

(V. NARASINGH)

Judge

Santoshi