

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6352 of 2022

Laxman Chanti

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

26.07.2022

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.100 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Mudulipada P.S. Case No.80 of 2021, under Sections 20(b)(ii)(C) & 27-A of the NDPS Act and is in custody since 22.07.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Malkangiri, by order dated 31.05.2022 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner submits that nothing was seized from the possession of the petitioner and implication is prima facie under Section 27 of the NDPS Act, even if, the entire accusation of the prosecution is attributed at its face value.

6. It is further submitted that since one Madhab Kanteri from whom the contraband was seized, has been released on bail by this Court on 19.05.2022 in BLAPL No.4178 of 2022 and another co-accused also has been enlarged on bail by this Court on order dated 06.07.2022 in BLAPL No.5647 of 2022, the petitioner's bail application merits consideration.

7. Taking into account the nature of allegations and the period of custody and release of the principal accused and the co-accused, 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. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi