

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5495 of 2021

Vikash Kumar

.... ***Petitioner***
M/s. M.Chand, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

07.09.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with R.Udayagiri P.S. Case No.46 of 2021 corresponding to G.R. Case No.57 of 2021 pending in the Court of learned Special Judge, Gajapati, Parlakhemundi for commission of offence punishable U/Ss. 20(b)(ii)(C)/25 & 29 of N.D.P.S. Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside custody since 09.04.2021 and in the meantime, one of the co-accused standing on similar footing has been granted bail in BLAPL No. 5143 of 2021 and the allegations levelled against the petitioner for consciously possessing the contraband Ganja of commercial quantity is false and motivated one. Since the recovery of the said Ganja was not from the alleged vehicle i.e. Tata Tigor and the petitioner being innocent person should be enlarged on bail.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner submits that the quantity of contraband Ganja involved in this case is 49 Kg. and Section 37 of the N.D.P.S. Act would definitely operate as a bar for release of the petitioner on bail.
 5. Considering the nature and gravity of accusation in the peculiar facts and circumstances and taking into consideration release of co-

accused namely, Kanhu Nayak @ Sangram who is an occupant of the alleged vehicle at the time of detection of the case, in BLAPL No. 5143 of 2021 and regard being had to the pre-trial detention of the petitioner since 09.04.2021 and trial having not commenced, this Court feels it proper to enlarge the petitioner on bail on the principle of parity.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial in the case and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge

Kishore

