

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6377 of 2022

***Khandi Bapi @ Nrusingh
Sahoo***

....

Petitioner

Mr. P.K. Dasmohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
21.10.2022**

Order No.

- 02.
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 T.R. Case No.349 of 2021 pending in the file of learned Addl. District & Sessions Judge, Bhubaneswar, arising out of Sahd Nagar P.S Case No.315 of 2021, for commission of offence under Section 21(C) of the N.D.P.S Act.
 4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 5th Addl. Sessions Judge, Bhubaneswar by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
 5. Perused the order of rejection in which it is stated that the Petitioner has been implicated on the basis of the co-accused statement and there has been no recovery from the Petitioner.

6. It is submitted by the learned counsel for the Petitioner that the accused from whom the contraband was recovered has since been released on bail by order dated 09.05.2022 in BLAPL No.9885 of 2021.

7. It is also stated that the similarly circumstanced co-accused have been released on bail by order dated 09.05.2022 in BLAPL No.9994 of 2021 and by order dated 20.04.2022 in BLAPL No.10791 of 2021.

8. Considering the nature of allegation vis-à-vis release of the co-accused, who are similar footing and from whom recovery has been effected and keeping in view the law laid down by the apex Court in the case of **Tofan Singh vrs. State of Tamil Nadu**, reported in **(2020) 80 OCR (SC) 641**, 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS