

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6460 of 2022

Murali @ Muralkdhar Naik

Petitioner

Mr. J. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
16.09.2022

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 C.T. Case No.01 of 2017(NDPS), pending in the file of learned Special Judge, Dharamgarh arising out of Koksara P.S. Case No.179 of 2017, offence under Sections 20(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Dharamgarh by order dated 08.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that the basis of implication of the petitioner was on account of co-accused statement of one Avatar@ Ram Avatar Singh Yadav.

6. It is stated that by order dated 13.05.2019 this Court directed release of said Avatar@ Ram Avatar Singh Yadav in BLAPL No.1540 of 2018. It is further brought to the notice of this Court that another co-accused namely Sudhanshu Meher has been released on bail by order dated 09.04.2021 in BLAPL No.2795 of 2020. Hence, inter alia on the ground of parity the petitioner seeks release.

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

8. Keeping in view the release of the co-accused and non-commencement of the trial, 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. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any 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 rules.

(V. NARASINGH)
Judge