

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6487 of 2022

Subham Singh

....

Petitioner

Mr. A.K. Raut, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.10.2022

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 2(a)CC No.15 of 2022, pending in the file of learned Special Judge, Jharsuguda, arising out of Jharsuguda Excise Station P.R. Case No.32 of 2022-23, offence under Sections 20(b)(ii)(C) of the NDPS Act and is in custody since 17.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Jharsuguda by order dated 30.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused similarly circumstanced have since being released on bail by this Court by order dated 19.09.2022 and 21.09.2022 in

BLAPL No.6489 and 6490 of 2022 respectively. Hence, release is sought for on the ground of parity.

6. Learned counsel for the State submits that taking into account the contraband seized is more than the commercial quantity in view of the bar under Section 37 of the NDPS Act, question of parity can be entertained.

7. It is also stated by the learned counsel for the State that since the petitioner is an outsider his presence during the trial cannot be ensure, for which the case will linger.

8. Taking into account the release of the co-accused and period of custody, 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 so as to ensure his presence on each date of trial.

9. While enlarging the petitioner on bail, the learned court below shall examine as to whether the petitioner is the first offender, as stated. 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 the rules.

(V. NARASINGH)
Judge

Santoshi