

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6544 of 2022

Pankaj Kumar Muna

....

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakara Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

30.09.2022

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 connection with C.T.(Spl.) Case No.17 of 2022, pending in the Court of learned District & Sessions Judge-cum-Special Judge, Bargarh arising out of Attabira P.S. Case No.83 of 2022, for alleged commission of 20(b)(ii)(C)/29 of the NDPS Act and is in custody since 04.03.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bargarh by order dated 13.04.2022 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 been released on bail by

this Court by order dated 23.09.2022 in BLAPL No.6165 of 2022 and by order dated 15.09.2022 in BLAPL No.5999 of 2022, hence the release is sought inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail referring to the stipulation as contained under Section 37 of the NDPS Act.

7. Taking into account the release of the co-accused as noted above and that the petitioner has no criminal proclivity, 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. Additionally, it is directed that while releasing the petitioner on bail, the learned Court shall verify the criminal antecedent of the petitioner. If it comes to the petitioner that the petitioner has any criminal antecedent, this order shall stand recalled without any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi