

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6617 of 2022

Srikrushna Khatua

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.09.2022

Order No.

01.

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 Special Case (NDPS) No.14 of 2021 pending in the file of learned Sessions Judge-cum-Special Judge, Boudh, arising out of Baunsuni P.S. Case No.31 of 2021, offence under Sections 20(b)(ii)(C)/29 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Boudh by order dated 06.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the owner of the vehicle one Chita Ranjan Palai has been released on bail by this Court by order dated 25.11.2021 in BLAPL No.8176 of 2021 and it is further stated that the driver and the helper of the vehicle have also been released on bail by order dated 07.04.2022 in BLAPL No.3530 of 2021.

6. It is submitted by the learned counsel for the petitioner that the basis of implication is on account of co-accused statement and since accused with greater complicity have been released on bail, he seeks release of the petitioner inter alia on the ground of parity.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that there are materials on record namely call detail records which clearly point to the complicity of the petitioner that he was actively involved in the transportation of the contraband. Hence question of parity as being advanced ought not to be taken into account and more so in view of the bar contained under Section 37 of the NDPS Act.

8. Considering the release of other co-accused who are more or less similarly circumstanced and taking note of the fact that the petitioner has no antecedent as submitted, and filing of charge sheet on 26.09.2021, 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