

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6620 OF 2022

Niranjan Duria @ Nira

***..... Petitioner
Mr.P.K.Nanda, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Mr. P.K.Moharaj, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
12.08.2022**

**Order No.
02.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with T.R.Case No.21 of 2020 arising out of Pottangi P.S. Case No. 26 of 2020 on the file of learned Addl. Session Judge-cum-Special Judge, Koraput, registered for the alleged commission of offence under Sections 20(6)(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 Addl. Session Judge-cum-Special Judge, Koraput by order dated 5.07.2022, the present BLAPL has been filed.
5. Learned counsel for the petitioner states in the meanwhile Charge-sheet has already been filed and other co-accused similarly circumstanced has been released on bail by this Court by order date 27.06.2022 in BLAPL No. 5341 of 2022 and seeks bail inter alia on the

ground of parity. It is also submitted that petitioner has no criminal antecedent.

6. Learned counsel for the State opposes the prayer relying on the bar contained under Section 37 of the NDPS Act.

7. Taking into account the filing of Charge-sheet and release of co-accused, 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. While so releasing learned court in seisin over the matter to check the veracity of the submission of the learned counsel for the petitioner regarding criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedents, the present order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

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