

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5762 OF 2021

Simanchal Dehury @ Simanchal Dehuri

..... *Petitioner*
Mr. Rajib Rath, Advocate

-versus-

State of Odisha

..... *Opposite Party*
Mr. K.K. Gaya, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER
05.05.2022

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Spl. Case No. 13 of 2021 corresponding Bhanjanagar P.S. Case No. 129 of 2021, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act and the petitioner is in custody since 01.04.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar by Order dtd. 16.04.2021 in Special G.R. Case No.13 of 2021, the present BLAPL has been filed.
4. Heard Mr. Rajib Rath, learned Counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner relies on the order passed by this Court dtd. 31.03.2022 in BLAPL No. 3475 of 2021 and 13.04.2022 in BLAPL No. 9270 of 2021 in respect of the co-accused and prays for the petitioner to be released on bail inter alia on the ground of parity and the medical condition of the petitioner.

6. It is also submitted by the learned counsel for the petitioner that, the petitioner is suffering from genetic disease, which requires blood transfusion at regular intervals.

7. Learned counsel for the State opposes the move for bail, inter alia on the ground that taking into account the quantity of contraband seizure in view of the bar under Section-37 of the NDPS Act, the petitioner is not entitled to be released on bail.

8. Taking into account, the nature of allegation and release of the co-accused stated to be similarly placed and the health condition of the petitioner, this Court directs his release on bail on such terms to be fixed by the learned Court in seisin of the matter.

9. The BLAPL thus stands disposed of.

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