

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5793 of 2021

***Sumanta Raita @ Gainyan
Raita***

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D. Mund, AGA

CORAM: JUSTICE V. NARASINGH

**ORDER
20.04.2022**

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 G.R. Case No.82 of 2020 (127/2020), on the files of learned Sessions Judge-cum-Special Judge, Gajpati at Paralakhemundi, arising out of R.Udayagiri P.S. Case No.107 of 2020, under Sections 20(a)(i) of the NDPS Act and is in custody since 29.03.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Gajpati at Paralakhemundi, by order dated 04.05.2021 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that since he is an ex-Samiti Member, out of local enmity he has been falsely implicated in the case under Section 20(a)(i) of the NDPS Act and in fact he is similarly placed with the co-accused who was granted bail by the learned Special Judge.

6. Learned counsel for the State referring to the order of the learned Special Judge submitting that the petitioner has antecedent of similar nature and therefore, his bail application is liable to be rejected.

7. It is not disputed that the petitioner is in custody since 29.03.2021 and trial has not commenced. Taking into account the nature of allegation and the period of custody, in light of the judgment of the Apex Court in the case of ***Hussainara Khatoon & Ors vs. State of Bihar*** reported in ***1979 AIR 1369***, 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. The present BLAPL is disposed of accordingly.

9. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi