

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6845 of 2022

***Satyagopal Biswas @ Satya
Biswas***

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
16.09.2022**

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 T.R. Case No.21 of 2020, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Korapur arising out of Pottangi P.S. Case No.26 of 2020, offence under Sections 20(b)(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 Sessions Judge, Additional S.J.-cum-Spl. Judge, Koraput by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is similarly circumstanced with one Niranjana Duria @ Nira, who has been released on bail by this Court by order dated 12.08.2022 in BLAPL No.6620 of 2022 and also the petitioner

relies on the order of this Court dated 27.06.2022 in BLAPL No.5341 of 2022 of one co-accused Raju @ Debaraj Khilla.

6. Learned counsel for the State opposes the prayer for bail relying on the bar contained under Section 37 of the NDPS Act and it is submitted that though the petitioner managed to escape, on the basis of materials seized from the vehicle, as prima facie his complicity was established, he has been rightly taken into custody and it is also submitted that question of parity cannot be pressed into service at this stage.

7. Taking into account the submission of the learned counsel for the petitioner that the charge sheet has already been submitted on 31.01.2021 and non-commencement of trial and release of the 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 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge