

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6864 of 2022

Somanath Pradhan

....

Petitioner

Mr. J.K.Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K.Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.08.2022

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 No.16 of 2022, arising out of Boudh P.S. Case No.100 of 2022, on the file of learned Sessions Judge-cum-Special Judge, Boudh, under Sections 20(b)(ii)(C)/29 of the NDPS Act and Section 25(1-A) of the Arms 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 12.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner places reliance on the order passed by this Court dated 12.07.2022 in BLAPL No. 5729 of

2022 of the co-accused Mrutyunjay Pradhan seeks relief inter alia on the ground of parity.

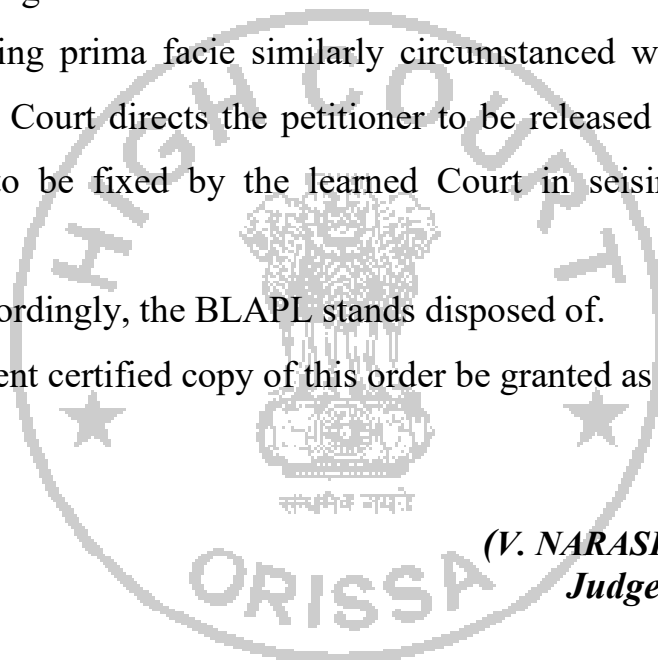
6. Inasmuch as it is submitted that the petitioner was the driver of the Scropio vehicle in which said Mrutyunjay Pradhan was travelling and the contraband seized was to the tune of 30Kgs (Ganja).

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

8. Taking into account the release of the co-accused and the petitioner being prima facie similarly circumstanced with 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.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Dhal