

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6937 of 2022

Raja Mallick

....

Petitioner

Mr. R. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.09.2022

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 C.T. Case No.97 of 2021, pending in the file of learned District and Sessions Judge, Baliguda, arising out of Balliguda P.S. Case No.273 of 2021, alleged offence under Sections 20(b)(ii)(C)/29 of NDPS Act and is in custody since 16.12.2021.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-ADJ, Balliguda by order dated 28.12.2021 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused have been released on bail by this Court by order dated 31.03.2022 in BLAPL No.2225 of 2022 and order dated 08.07.2022

in BLAPL No.718 of 2022. Hence he seeks release of the petitioner inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the contraband being beyond the permissible limit. In view of bar under Section 37 of the NDPS Act the petitioner ought not to be released on bail.

7. Taking into account the release of the co-accused and period of custody and non-commencement of trial, 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. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every 15 days till the conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge