

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6962 of 2022

Mayur Khuntay

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.10.2022

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 Special G.R Case No.10 of 2021 pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Kalimela P.S Case No.16 of 2021, for commission of offence under Section 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 Addl. Sessions Judge-cum-Special Judge, Malkangiri by order dated 30.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the Petitioner that the co-accused similarly situated has since been released on bail by

order dated 22.06.2022 in BLAPL No.2211 of 2021. Hence, he seeks release, inter alia, on the ground of parity.

7. Learned counsel for the State opposes the prayer for bail of the Petitioner in view of the bar contained in Section 37 of the N.D.P.S Act and submits that the question of parity can not be agitated in a case of N.D.P.S Act.

8. Taking into account the Petitioner is in custody since 15.01.2021 and filing of the charge sheet and release of the co-accused and non-commencement of the 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.

9. Additionally, it is directed that the Petitioner shall appear in person before the jurisdictional police station of the learned Court in seisin over the matter once every fortnight till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS