

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6970 of 2022

Bhima @ Bhimsen Harijan

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Orissa

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
15.09.2022

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 accused in Mathili P.S. Case No.146 of 2020 dtd. 09.10.2020, corresponding to T.R. Case No.125 (A) of 2020, pending in the file of the learned Sessions Judge –cum- Special Judge, Malkangiri, for alleged commission of offences under Sections 20(b)(ii)(C)/25/29 of NDPS Act.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Malkangiri, by order dated 07.07.2022 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 petitioner is not a named accused and he has been roped in the case at hand, since the vehicle form the contraband seized belongs to the petitioner.

7. It is submitted that persons who are named in the case and apprehended at the spot along with the contraband has since been released on bail by this Court by orders dated 05.07.2022 in BLAPL No.4062 of 2022, order dated 18.05.2022 in BLAPL No.4021 of 2022, order dated 20.12.2021 in BLAPL No.8961 of 2021 and order dated 01.09.2021 in BLAPL No.8345 of 2020, hence, he seeks release on the ground of parity.

8. Taking into account the materials on record which has been filed by the petitioner including the charge-sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. It is submitted that the petitioner has no criminal proclivity, while releasing the petitioner on bail the learned Court below shall verify such assertion. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha