

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7221 of 2022

Deepak Kumar Sahoo

....

Petitioner

Mr. S.S. Ray (2), Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.09.2022

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 accused in T.R. Case No.94 of 2021 arising out of Daspalla P.S. Case No.91 of 2021 corresponding to Spl. G.R. Case No.76 of 2021, pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Nayagarh, for alleged commission of offences under Section 20(b)(ii)(C)/29 of the NDPS Act.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Nayagarh, by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that one of the co-accused Ghananta Khatua was released on bail by this Court by order dated 21.07.2022 in BLAPL No.8494 of 2021 and the driver of the vehicle carrying the

contraband has also been released on bail in BLAPL No.8188 of 2021.

6. It is submitted that trial has not commenced and hence further continuance of the petitioner in custody is not warranted.

7. While the learned counsel for the State does not dispute that the petitioner is more or less similarly circumstanced with Ghananta Khatua submits that since the contraband seized is more than the commercial quantity in view of the Bar envisaged under Section 37 of the NDPS Act, the petitioner has not entitled to be released on bail.

8. Taking into notice the 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 Court in seisin over the matter.

9. While releasing the petitioner on bail the learned Court below shall verify such assertion regarding his criminal antecedents. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha