

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7267 of 2022

***Paresh Ranjan Mohanty @
Gudu***

Petitioner

Mr. A.K. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
05.12.2022**

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. Case No.89 of 2022, pending in the file of learned Sessions-cum-Special Judge, Jagatsinghpur, arising out of Jagatsinghpur P.S. Case No.199 of 2022, for commission of alleged offences under Sections 21(c)/29 of the NDPS Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions-cum-Special Judge, Jagatsinghpur by order dated 26.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 02.04.2022 and charge sheet has already been submitted on 10.07.2022.

5. It is stated with vehemence that allegedly contraband (brown sugar) of more than commercial quantity was seized from one Prasant Ku. Behera @ Mangu. And, he has been released on bail by the learned Court in seisin over the matter by order dated 05.11.2022 in C.T. Case No.89 of 2022 inter alia on the ground that in the absence of any preliminary kit test report and C.E. report, it was not possible for the Court to come to the conclusion prima facie that the seized item is nothing but brown sugar.

6. Hence on the ground of parity, petitioner seeks release.

7. Learned counsel for State while opposing the prayer for bail does not dispute that there was no seizure from the present petitioner.

8. Considering the release of the co-accused as noted above, 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. While enlarging the petitioner on bail the learned court below shall verify his criminal proclivity. If it comes to the fore that the petitioner has criminal antecedent of similar nature this order shall stand recalled.

10. Accordingly, the BLAPL stand disposed of.

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

(V. NARASINGH)
Judge