

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7283 of 2022

Firoz Mallik

....

Petitioner

Mr. A.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.08.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for State.
3. The petitioner is an accused in Nayagarh in Spl. G.R. Case No.131 of 2021 arising out of Odagaon P.S. Case No.108 of 2021, pending in the file of learned Special Judge-cum-Sessions Judge, Nayagarh, under Section 21(b) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-Sessions Judge, Nayagarh, by order dated 22.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Placing reliance on the release of the co-accused by order dated 19.01.2022 in BLAPL No.9941 of 2021, the learned counsel for the petitioner seeks release inter alia on the ground of parity.

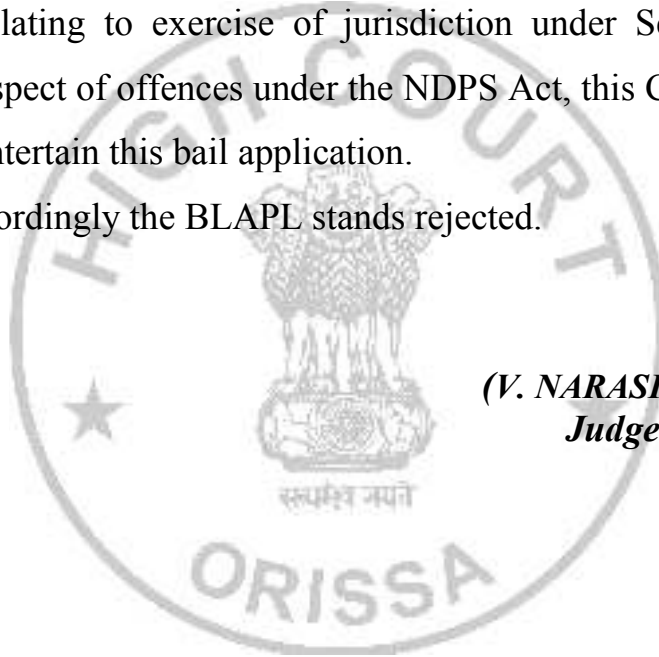
6. Learned counsel for the State on the basis of instruction submits that the petitioner has two criminal antecedents, one of which is of similar nature in as much as he is an accused in an NDPS case, namely, Nayagarh P.S. Case No.69 of 2020.

7. On perusal of the order of release of the accused who is stated to be the principal accused as per the petitioner, it is seen that what weighed with this Court was that the petitioner therein, had no criminal antecedent.

8. Keeping in view the statutory mandate governing the restriction relating to exercise of jurisdiction under Section 439 Cr.P.C. in respect of offences under the NDPS Act, this Court is not inclined to entertain this bail application.

9. Accordingly the BLAPL stands rejected.

Ayesha



(V. NARASINGH)
Judge