

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7619 of 2022

Jalesar Ray

....

Petitioner

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

-versus-

State of Odisha

....

Opposite Party

Mr. N.K. Praharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.08.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.45 of 2021, on the files of learned Special Judge, Paralakhemundi, arising out of Adava P.S. Case No.36 of 2021, 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 Additional Sessions Judge-cum-Special Judge, Paralakhemundi, Gajapati, by order dated 17.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner places reliance on the order passed by this Court dated 29.06.2022 in BLAPL No.4456 of

2022 relating to one Bhim Ray who is stated to be similarly circumstanced and seeks release inter alia on the ground of parity.

6. It is also submitted that other co-accused persons in the case at hand in the meanwhile have released on bail by this Court in BLAPL No.9001 of 2021 by order dated 11.02.2022. One accused similarly circumstanced with the petitioner that is one Rubi Devi has been released on bail in BLAPL No.1984 of 2022 by order dated 28.03.2022.

7. Learned counsel for State on verification of the Case Diary though does not dispute that the allegations against the petitioner is similar but opposes the prayer for bail inter alia on the ground of bar under Section 37 of the NDPS Act.

8. Taking into account that the petitioner is in custody since 23.02.2021, non-commencement of trial and release of co-accused similarly circumstanced, 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. Since the petitioner is an outsider, learned Court in seisin over the matter is called upon to fix suitable terms so as to ensure his presence on each date of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi