

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7654 of 2022

Dinesh Patel @ Kumar

....

Petitioner

Mr. Satyabrata Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.09.2022

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 an accused in Special NDPS Case No.8 of 2022 pending in the file of learned Addl. District & Sessions Judge-cum-Special Judge, Kantamal, arising out of Kantamal P.S. Case No.20 of 2022 for offences under Section 20(b)(ii)(C) of the N.D.P.S. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Kantamal, by order dated 28.06.2022 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 co-accused has already been released on bail by order dated

09.09.2022 in BLAPL No.6351 of 2022. Hence the Petitioner may be released on bail on the ground of parity so also on account of non-commencement of the trial.

7. Learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the N.D.P.S. Act.

8. Taking into account the period of custody and the age of the Petitioner and the submission of the learned that the Petitioner is the first offender, 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, learned court below shall verify the assertion regarding his criminal proclivity. 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

PKS