

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7662 of 2022

Sahadat Ansari

....

Petitioner

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.10.2022

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 Bharatpur P.S. Case No.267 of 2022 corresponding to T.R. Case No.259 of 2022, pending in the Court of learned District & Sessions Judge, Khurda, Bhubaneswar, under Section 20(b)(ii)(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 Sessions Judge, Khurda, Bhubaneswar, by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the co-accused has been released on bail by order dated 29.08.2022 in BLAPL No.7674 of 2022. Hence, he seeks release of the Petitioner, inter alia, on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail on the ground that the Petitioner is an outsider and his presence cannot be ensured during trial.

7. Admittedly since the seizure of the contraband (ganja) to the tune of 16 Kg. 100 grms, which is less than the commercial quantity as prescribed, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter to ensure his presence on each date of trial.

8. While enlarging the Petitioner on bail the 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.

9. Accordingly, the BLAPL stands disposed of.

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

PKS

(V. NARASINGH)
Judge