

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7678 of 2022

Laxman Chhati

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

30.11.2022

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 G.R. Case No.110 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Orkel P.S. Case No.207 of 2021, for commission of alleged offences under Sections 20(b)(ii)(C) & 27-A of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Malkangiri by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 27.06.2022 and charge-sheet was filed on 11.05.2022 citing the petitioner as an absconder.

6. It is submitted by the learned counsel for the petitioner that the basis of implication is on account of co-accused statement who was nabbed at the spot.

7. Learned counsel for the petitioner places on record the order passed by this Court dated 06.07.2022 in BLAPL Nos.10689 & 10731 of 2021 and dated 13.07.2022 in BLAPL No.5774 of 2022, by which co-accused who are apprehended at the spot, have been granted bail. Hence, inter alia on the ground of parity the petitioner seeks release.

8. Learned counsel for the State opposes the prayer for bail in view of the bar contained under Section 37 of NDPS Act and submits since the allegation against the petitioner is of financing as such, he has greater complicity in the matter.

9. Considering the release of the co-accused and keeping in view the dictum of the Apex Court in the case of *Tofan Singh vs. State of Tamil Nadu*, reported in (2020) 80 OCR (SC)-641, 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.

10. While releasing the petitioner on bail, the learned Court below shall verify assertion regarding criminal antecedent of similar nature. If it comes to the fore that the petitioner has such criminal antecedent, this order shall stand recalled.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha