

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7874 of 2022

Nurjahan Bibi

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.09.2022

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 Special Case No.270 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge, Balasore, arising out of Basta P.S. Case No.290 of 2021, offence under Sections 21(C)/29 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, Balasore by order dated 13.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Relying on the order passed by this Court dated 24.01.2022 in BLAPL No.11027 of 2021 in the case of co-accused Nimain @ Nimain Charan Behera, the petitioner seeks release inter alia on the ground of parity and is also submitted that since there is

no seizure from the petitioner the restriction under Section 37 of the NDPS Act is not attracted.

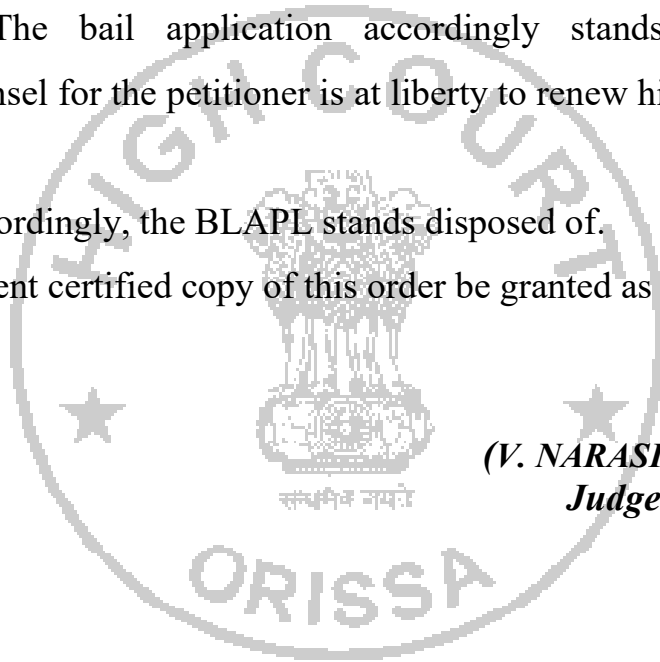
6. On perusal of the order passed by this Court adverted to herein above, it is seen that what weighed with this Court is the submission of learned counsel for the petitioner therein that the petitioner had no criminal antecedents.

7. Learned counsel for the State on instruction submits that the petitioner has antecedents of similar nature.

8. In view of the same this Court is not inclined to exercise its discretion. The bail application accordingly stands rejected. Learned counsel for the petitioner is at liberty to renew his prayer at a later stage.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi