

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7973 of 2022

***Guren Nayak @ Urendra
Nayak***

....

Petitioner

Mr. J.K. Khuntia, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
06.09.2022**

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 accused in Machhkund P.S. Case No.89 of 2019 corresponding to TR Case No.50 of 2019, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Koraput, for alleged commission of offences under Sections 20(b)(ii)(C)/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, Koraput, by order dated 19.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that he was implicated on the basis of this statement of the accused persons Banamali Mali and Harish Chandra Khora, it is submitted that the

said Banamali was released on bail by order dated 15.03.2021 passed in BLAPL No.1643 of 2020 and Harish Chandra was released in terms of the order passed by this Court dated 21.08.2020 in BLAPL No.1558 of 2020, hence it is submitted that further continuance of the petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail inter alia relying on the Bar contained under Section 37 of the NDPS Act.

7. Considering the submissions of the learned counsel for the petitioner and since the petitioner is prima facie similarly circumstanced as stated at the Bar, 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 so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha