

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8123 of 2022

Susanta Kumar Sahoo

....

Petitioner

Mr. A.N. Pattanayak, 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 T.R. Case No.32 of 2020, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Koraput, arising out of Semiliguda P.S. Case No.55 of 2020, offence under Sections 20(b)(ii)(C) of NDPS Act and is in custody since 24.06.2020.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Koraput by order dated 10.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused similarly circumstanced have been released on bail by this Court by order dated 10.08.2022 in BLAPL No.3429 of

2022, hence inter alia on the ground of parity the petitioner seeks release.

6. It is submitted that the petitioner has no knowledge about the contraband being carried out in the vehicle.

7. Learned counsel for the State opposes the prayer for bail.

8. Considering the release of the co-accused and relying on the judgment of the Apex Court in the Case of ***Hussainara Khatoon & Ors vs. State of Bihar*** reported in ***(1980) 1 SCC 81***, 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. Accordingly the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

