

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8136 of 2022

***P. Santosh Dora @ T.Santosh
Dora***

Petitioner

Mr. P.K. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
28.09.2022**

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 G.R. Case No.32 of 2021(N), pending in the file of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur arising out of Pattapur P.S. Case No.213 of 2021, alleged offence under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that co-accused persons namely J. Landa@ Siba Shankar Dora and Sanjay Gouda have been released on bail by this Court by order dated 11.03.2022 in BLAPL No.10074 of 2021 and order dated 29.03.2022 in BLAPL No.2169 of 2022 respectively, who are similarly circumstanced in as much as in course of the raid in the house of one Santosh Ku. Mallik. Contraband (ganja) to the tune of 3157 kgs was found and the petitioner was implicated on the basis of statement of the said Santoshi Ku. Mallik.

6. It stated with vehemence that since two co-accused persons who have already been released on bail, implicated on account of the statement of Santosh Ku. Mallik, further continuance of the petitioner in custody is not warranted.

7. Learned counsel for the State opposes the prayer for bail. Submits that in the case of this nature question of parity cannot be pressed into service and more so when there are materials on record to show more particularly from the statement of one Sukuru, Madhab Mallik that it is the present petitioner who had in fact taken the house of Santosh Malik on rent by paying Rs.30,000/- per month.

8. Taking into account the release of the co-accused who is prima facie similarly circumstanced, 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. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every week till the conclusion of trial.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

