

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8435 of 2022

Ranjan Jena

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

Order No.

03.

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.31 of 2021(N) turned to G.R. Case No.01 of 2022, pending in the file of learned Additional Sessions Judge, Kodala, arising out of Kodala P.S. Case No.325 of 2021, for alleged commission of 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 Additional District & Sessions Judge, Kodala, Ganjam by order dated 26.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of this Court dated 10.03.2022 in BLAPL No.8420 of 2021.

6. It is submitted by the learned counsel for the petitioner that since final form has been submitted on 26.01.2022, further continuance of the petitioner in custody is not warranted. More so, when admittedly the co-accused have already been released on bail inter alia on the ground that the house from which the contraband (Ganja) to the tune of 848.790 kgs was seized was taken on rent by the said co-accused along with the petitioner.

7. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the contraband is of huge quantity and in view of the bar contained Section 37 of the NDPS Act, no leniency should be shown to the petitioner.

8. Considering the release of the co-accused, and the petitioner being 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. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has criminal antecedents of any nature, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge