

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 8639 of 2022**

***Bipin Rout***

....

***Petitioner***

Mr. P.K. Swain , Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. A. Pradhan, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**21.12.2022**

**Order No.**

**02.**

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with Spl G.R. Case No.90 of 2022, pending in the Court of the learned Sessions Judge-cum-Special Judge, Nayagarh arising out of Daspalla P.S. Case No.152 of 2022, for commission of alleged offences under Sections 20(b)(ii)(c)/29 of NDPS Act read with Section 25 of Arms Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Spl. Judge, Nayagarh by order dated 02.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 22.07.2022 and charge sheet has been filed on 14.12.2022.
5. It is further submitted that one of the co-accused similarly placed has since been released on bail by this Court by order dated

16.12.2022 in BLAPL No.9051 of 2022. Hence release is sought inter alia on the ground of parity.

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

7. Considering the manner in which the seizure is effected and release of the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Learned counsel for the petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the petitioner.

9. While releasing the petitioner on bail, learned Court below shall verify assertion regarding the **criminal antecedent of similar nature**. If the petitioner has any such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)  
*Judge*

*Santoshi*