

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8838 of 2022

Gokula Deep

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.09.2022

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 an accused in 2(a) CC Case No.13 of 2021 pending in the file of learned Sessions Judge-cum-Special Judge, Sonepur, arising out of Sonepur Range P.R. Case No.33 of 2021-22, offence under Sections 20(b)(ii)(C) of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Sonepur by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioner that co-accused Babulu Dhareni has been released on bail by this Court by order dated 18.05.2022 in BLAPL No.3783 of 2022.

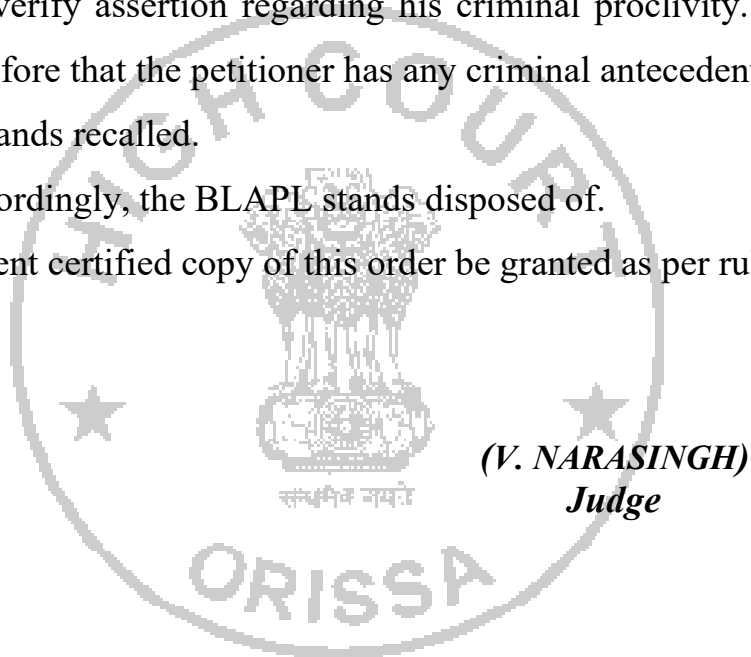
7. Learned counsel for the State opposes the prayer for bail inter alia on the ground of bar contained under Section 37 of the NDPS Act.

8. Considering the release of the co-accused and non-commencement of trial and contraband seized being to the tune of 22 kgs, 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 any criminal antecedent this order shall stands recalled.

10. Accordingly, the BLAPL stands disposed of.

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



Santoshi