

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8862 of 2022

Amiya Maharana @ Bablu

Petitioner

Mr. P.Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K.Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is accused in Spl. G.R. Case No.90 of 2022, pending on the file of the learned Sessions Judge-cum-Special Judge, Nayagarh arising out of Daspalla P.S. No.152 of 2022, for commission of alleged offences under Sections 20 (b)(ii)(C)/29 of NDPS Act read with Section 25 of the 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 29.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 21.07.2022 and charge sheet has been filed on 14.12.2022 and it is also submitted that the co-accused person who is similarly circumstanced with the petitioner has since been released on bail by this Court by order dated 16.12.2022 in BLAPL No.9051 of 2022. Hence he may be released on bail.

5. Learned counsel for the State opposes the prayer for bail in view of the criminal antecedents of the petitioner which are on record.

6. It is submitted by the learned counsel for the petitioner by way of memo which is taken on record that petitioner is involved in three cases namely Nuagaon P.S. Case No. 40 of 2021, Daspalla P.S. Case No.39 of 2022 and Daspalla P.S. Case No.123 of 2021 though not of similar offences.

7. Considering the 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. Before releasing the petitioner on bail, the learned Court in seisin is called upon to verify as to whether the petitioner is involved in any other offence than the three cases noted as above. If it comes to the fore that the petitioner is involved in any other offences other than the offences as noted, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi