

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8877 of 2022

Raimohan Mangaraj @ Tipu

Petitioner

Mr. P. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.09.2022

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 Spl. G.R. Case No.90 of 2022 pending in the file of learned Sessions Judge-cum-Special Judge, Nayagarh, arising out of Daspalla P.S. Case No.152 of 2022, offence under Sections 20(b)(ii)(C)/29 of the NDPS Act and in custody since 21.07.2022.
4. 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.
5. Perused the order of rejection.
6. It is submitted that the petitioner is the pillion rider of the motor bike which was escorting the Maruti Suzuki WagonR car carrying the contraband.

7. It is submitted by the learned counsel for the petitioner that the rider of the bike one Arun Ku. Pradhan@ Mantu has been released on bail by this Court by order dated 21.09.2022 in BLAPL No.8641 of 2022. Hence he seeks release of the petitioner inter alia on the ground of parity.

8. Learned counsel for the State opposes the prayer for bail relying on the order of rejection inter alia on the ground that as investigation is continuing, release of the petitioner at this stage would affect the ongoing investigation and unless the investigation is over the role of the petitioner won't be known hence the plea of innocence as advanced cannot be taken into consideration and also in view of the bar under section 37 of the NDPS Act parity cannot be claimed in cases of this nature.

9. Considering the role ascribed to the petitioner and keeping in view the quantity of contraband (22 kg 515 gms) and substantial progress in investigation, 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.

10. It is submitted by the learned counsel for the petitioner that the petitioner has no criminal antecedent. While releasing the petitioner on bail the learned Court below shall verify such assertion. If it comes to the fore that the petitioner has any criminal antecedent then the order shall stand recalled.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge