

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9074 of 2022

Nalua @ Somanath Jena

....

Petitioner

Mr. B. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.11.2022

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 T.R. Case No.349 of 2021, pending in the file of learned 5th Additional District Judge, Bhubaneswar Khurda, arising out of Sahidnagar P.S. Case No.0315 of 2021, for commission of alleged offences under Sections 21(c)/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 5th Additional District Judge, Bhubaneswar by order dated 23.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the implication of the petitioner was on account of co-accused statement. Learned counsel for the petitioner relies on the order passed by this Court dated 09.05.2022 in BLAPL No.9885 of 2021 relating to the co-accused Ranjan Nayak@ Ranju who has been named in the FIR.

6. It is submitted on the basis of recitals that since there was no seizure from the petitioner, he was not named and as already noted he has been implicated on account of co-accused statement.

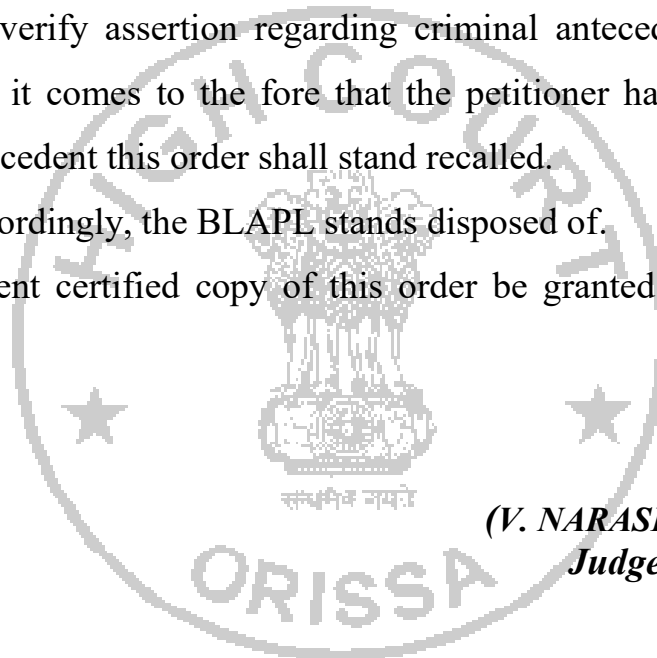
7. Learned counsel for the State opposes the prayer for bail.

8. Considering the manner of implication and release of the co-accused and as it is stated that petitioner is the first offender, 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 criminal antecedent of the petitioner. If it comes to the fore that 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