

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9165 of 2022

MD. Irfan @ MD. Irfan Alam
@ Sunny

Petitioner

Mr. P.K. Nayak, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
25.11.2022

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 Special G.R. Case No.11 of 2022, pending in the file of learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela, arising out of Plantite P.S. Case No.78 of 2022, for commission of alleged offences under Sections 21(c)/29/25 of NDPS Act read with Section 25 of Arms Act and is in custody since 28.02.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 28.02.2022 and charge sheet has already been filed

on 25.08.2022. It is also submitted that one of the co-accused have been released on bail by this Court by order dated 22.09.2022 in BLAPL No.3609 of 2022. Hence, he seeks release of the petitioner, inter alia, on the ground of parity.

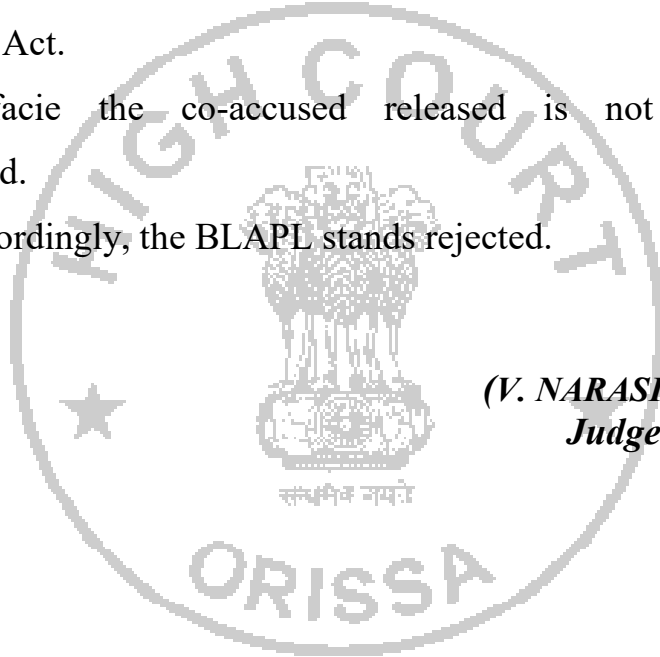
6. Learned counsel for the State on the basis of recitals in the Case Diary submits that contraband seized from the possession of the petitioner is beyond the commercial quantity.

7. Taking note of the same, this Court is not persuaded to allow this bail application keeping in view the rigors of Section 37 of the NDPS Act.

8. Ex-facie the co-accused released is not similarly circumstanced.

9. Accordingly, the BLAPL stands rejected.

(V. NARASINGH)
Judge



Santoshi