

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9263 of 2022

Anirudha Kumar Goud

....

Petitioner

Mr. S.R. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.09.2022

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 connection with G.R. Case No.13 of 2021, pending in the Court of learned 1st Additional District Judge, Rourkela arising out of Biramitrapur P.S. Case No.241 of 2021, for alleged commission of offences under Sections 20(b)(ii)(c) and Section 29 of the NDPS Act and is in custody since 10.11.2021.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Rourkela by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused similarly circumstanced have been directed to be released on bail by this Court by order dated 02.09.2022 in BLAPL

No.6551 of 2022. Hence he seeks release of the petitioner inter alia on the ground of parity..

6. While learned counsel for the State not refuting that the petitioner is similarly circumstanced submits that in view of the bar contain under Section 37 of the NDPS Act, the petitioner is not entitled to be released on bail and more so when he is an outsider he is at flight risk.

7. Taking into account the release of the co-accused and non-commencement of trial keeping in view the law laid down by the Apex Court in the case of *Husainara Khatoon and others V. State of Bihar*, reported in (1980) 1 SCC 81, 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.

8. Additionally it is directed that of the two sureties one should be immediate member of the family and other should be a local person.

9. While releasing the petitioner on bail, the learned Court in seisin over the matter shall verify regarding the criminal antecedents of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent then the order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge