

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9286 of 2022

Basanta Mohanty

....

Petitioner

Mr. A.K. Pradhan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.11.2022

Order No.

02.

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 Case No.45 of 2010 pending on the file of learned Special Judge, Balasore, arising out of Simulia P.S. Case No.81 of 2010 for offences under Section 20(b) of the N.D.P.S. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Balasore by order dated 14.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the basis of accusation is on account of the co-accused statement. It is stated that co-accused has already been released on anticipatory bail by order dated 25.08.2022 in ABLAPL No.10083 of 2022.

Hence, further continuance of the Petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the N.D.P.S. Act.

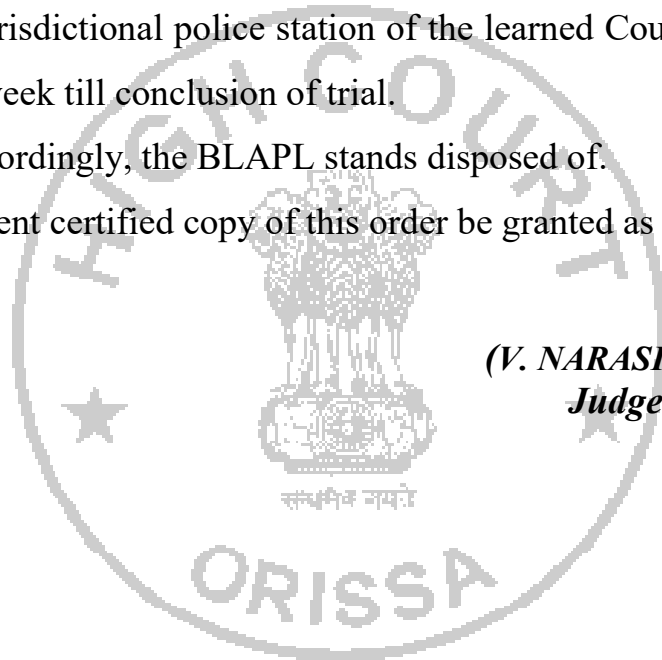
7. Taking into account the nature of accusation and filing of the charge sheet, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station of the learned Court in seisin once every week till conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

PKS



(V. NARASINGH)
Judge