

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9306 of 2022

Rabi Narayan Patra

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

Union of India

....

Opposite Party

Mr. Satyabrata Panda, Advocate (NCB)

CORAM: JUSTICE V. NARASINGH

ORDER
27.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the NCB.
3. The petitioner is an accused in connection with T.R Case No.576 of 2021 arising out of NCB Crime No.10 of 2021, pending on the file of the learned 5th Addl. District & Sessions Judge, Bhubaneswar for the alleged commission of offence under Section 20(b)(ii)(c)/29 of the NDPS Act and is in custody since 29.12.2021.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned 5th Addl. District & Sessions Judge, Bhubaneswar by Order dtd.08.09.2022, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that the co-accused has since been released on bail by order dated 20.05.2022 in BLAPL No.4452 of 2022. It is stated that since the Petitioner is

similarly circumstanced with the co-accused, he may be released on bail.

6. Mr. Satyabrata Panda, learned counsel appearing for the NCB, opposes the prayer for bail, inter alia, relying on Section 37 of the NDPS Act. It is stated by Mr. Panda that because of nature of offence, question of parity cannot be pressed into service.

7. Taking into account the release of the co-accused, as noted, and keeping in view that the Petitioner is a local person and filing of the charge sheet in the meanwhile, 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. Learned Court in seisin over the matter shall verify the criminal antecedents. If it comes to the fore that the Petitioner has any criminal antecedent, this order shall stand recalled.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS