

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 9375 of 2022**

***Sibaram Pradhan @ Shiba  
Sankar Pradhan***

....

***Petitioner***

Mr. S. Mohanty, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. G.R. Mohapatra, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**11.11.2022**

**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 T.R. Case No.47 of 2021 pending in the file of learned Special Judge-cum-Additional Sessions Judge, Rairakhol, Sambalpur, arising out of Naktideul P.S. Case No.59 of 2021, for alleged commission of offence under Sections 20(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Rairakhol by order dated 21.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused namely Trilochan Das@ Sethy, Suman Ranjan Sahu @ Suman Sahu@ Lipu and Dhusasana Sahu from whose possession the contraband was seized have already been released on bail by this Court by orders dated 07.02.2022,10.02.2022 and 22.02.2022

in BLAPL Nos.6461 of 2021, 6133 of 2021 and 7762 of 2021 respectively.

6. Learned counsel for the petitioner submits that the implication of the petitioner in the case at hand is on the basis of statements of the co-accused who have already been enlarged on bail. Hence further continuance of the petitioner in custody is punitive.

7. Learned counsel for the State opposes the prayer for bail relying on the bar contained under Section 37 of the NDPS Act.

8. Taking into account the release of the co-accused and keeping in view the dictum of the Apex Court in the Case of in the case of *Tofan Singh vs. State of Tamil Nadu*, reported in (2020) 80 **OCR 641**, 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 his criminal proclivity. If it comes to the fore that the petitioner has criminal antecedent of any nature 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**