

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9476 of 2022

Amrit Khora

....

Petitioner

Mr. P.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is accused in connection with T.R. Case No.19 of 2021, pending in the Court of learned Additional Sessions Judge, Koraput, arising out of Sunabeda P.S. Case No.20 dt.04.02.2021, for commission of offences under Section 20(b)(ii)(C) of 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 Additional Sessions Judge-cum-Special Judge, Koraput, by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that one co-accused Sajid Badabura has since been released on bail by order dated 21.09.2022 in BLAPL No.5244 of 2022. On instruction, it is stated that the said accused like the present petitioner was the

occupant of the Eicher vehicle bearing registration No.-OD-02A-3954, from which contraband to the tune of 117 Kgs was recovered.

6. It is also stated by the learned counsel for the petitioner that another accused Dilip Kumar Bhoi has been released on bail by order dated 12.04.2022 by this Court in BLAPL No.3193 of 2021. Hence, on the ground of parity learned counsel for the petitioner seeks bail.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that earlier bail application of the petitioner (BLAPL No.3213 of 2021) was withdrawn on 21.06.2022 and there being no change in circumstances in the interregnum, the present bail application is liable to be rejected. It is also stated that in view of the Bar contained under Section 37 of the N.D.P.S. Act, the petitioner is not entitled to be released on bail.

8. On instruction the learned counsel for the State further stated that the petitioner has one criminal antecedent inasmuch as he is an accused in a case under Section 354 of IPC of Pottangi P.S. Case No.137 of 2018. Hence, seeks rejection of the bail.

9. Considering the release of the co-accused and that in the meanwhile trial has not commenced, keeping in view the dictum of the Apex Court Apex Court in the in case of ***Hussainara Khatoon & Others Vrs. State of Bihar***, reported in ***(1980) 1 SCC 81***, wherein speedy trial has been treated to be a facet of Article 21 of the Constitution, this Court directs the petitioner to be released on bail. Learned Court in seisin over the matter shall fix the terms so as to ensure the presence of the petitioner on each date of trial.

10. To allay the legitimate apprehension of the learned counsel for the State, this Court directs that the petitioner shall appear

before the jurisdictional police station once every week till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha

