

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9576 of 2022

Upendra Kumar Pandi

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.10.2022

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 an accused in connection with G.R. Case No.18 of 2021(N), pending in the file of the learned Additional Sessions Judge-cum-Special Judge, Khallikote, arising out of Kodala P.S. Case No.365 of 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 Special Judge, Khallikote, by order dated 23.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner has no criminal antecedent of any nature and basis of his implication is on account of co-accused statement and relying on the order passed by this Court by order dated 04.03.2022 in

BLAPL No.7215 of 2021 as the co-accused who is similarly circumstanced, hence submits that further continuance of the petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail inter alia relying on the Bar contained under Section 37 of the N.D.P.S. Act and submits that the role of the petitioner is the subject matter for further investigation under Section 173(8) of Cr.P.C.. Hence the petitioner ought not to be released on bail.

7. Considering the release of the co-accused in the bail application adverted to hereinabove, 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. While releasing the petitioner on bail, the learned court in seisin over the matter shall verify the criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent this order shall stand recalled.

9. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha