

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10061 of 2022

***Laxmi Gupta @ Pankaj Kumar
Gupta***

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
19.12.2022**

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with G.R. Case No.42 of 2021, pending in the Court of the learned Special Judge cum Sessions Judge, Gajapati, Paralakhemundi, arising out of Mohana P.S. Case No.45 of 2021, for alleged commission of offences under Sections 20(b)(ii)(C)/25 and 29 of NDPS Act.
3. 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, Paralakhemundi, by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 19.02.2021 and it is submitted that the co-accused similarly placed has been released on bail by this Court by order 22.11.2022 in BLAPL No.8370 of 2022 and other co-accused has

also been released on bail by order dated 14.09.2022 in BLAPL No.3185 of 2021.

5. Considering the release of the co-accused and non commencement of trial, which was noticed while releasing the co-accused, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

6. Since the petitioner does not reside within the territorial jurisdiction of the Court in question, it is directed that one of the sureties shall execute a P.R. bond in addition to the sureties as fixed by the learned Court in seisin.

7. Taking into account legitimate concern expressed by the learned State counsel, criminal antecedent of the petitioner from the police station in question i.e. Dehri, District Rohtas, Bihar, Shall be called for and if it is found that the petitioner is involved in any case, this order shall not be given effect to since, the petitioner does not reside within the territorial jurisdiction of the learned Court in question.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha