

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10080 of 2022

Kamalesh Kumar

....

Petitioner

Mr. R. Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

Order No.

- 01.
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. No.48 of 2022 pending on the file of learned Addl. Sessions Judge-cum-Special Judge, Gunupur, arising out of Bisamkatak P.S. Case No.44 of 2022, for commission of offence under Section 20(b)(ii)(c) of the 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 Addl. Sessions Judge-cum-Special Judge, Gunupur by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
 5. Relying on the order relating to the co-accused dated 22.09.2022 in BLAPL No.7668 of 2022, learned counsel for the Petitioner seeks release of the Petitioner on the ground of parity. It

is further submitted that since charge sheet has been filed on 30.06.2022 and the Petitioner is in custody since 19.03.2022, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail in view of the bar contained in Section 37 of the N.D.P.S Act and also submits that ex facie the Petitioner, who is at flight risk, is also not similarly circumstanced.

7. Taking note of the period of custody and filing of charge sheet and release of the co-accused, this Court directs the Petitioner to be released on bail on such terms to be filed by the learned Court in seisin over the matter.

8. Additionally, it is directed that till the conclusion of trial, Petitioner shall not leave the jurisdiction of the Court in seisin over the matter and shall appear before the local police station once every week till the conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS