

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10133 of 2022

***Makardhwaja Sandha &
another***

Petitioners

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
02.11.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. The Petitioners are accused in connection with Special (NDPS) Case No.60 of 2020 arising out of Manamunda P.S. Case No.175 of 2020, pending on the file of the learned Addl. District Judge, Kantamal for the alleged commission of offence under Section 20(A)(i) of the N.D.P.S Act and is in custody since 30.09.2022.
4. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Kantamal by order dtd.11.10.2022, the present BLAPL has been filed.
5. Perused the order of rejection.

6. Learned counsel for the Petitioners submits that three of the co-accused have since been released on anticipatory bail by order of this Court dated 14.10.2022 in ABLAPL No.13200 of 2022, hence he seeks bail of the Petitioners on the ground of parity.

7. Learned counsel for the State on the basis of rejection order and the case diary submits that prima facie the Petitioners are not similarly circumstanced and relying on the bar contained in Section 37 of the N.D.P.S Act submits that the question of parity cannot be pressed into service in a case of this nature.

8. Taking into account the release of the co-accused, as adverted to above and filing of the charge sheet and the period of custody, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. Learned Court in seisin over the matter shall verify the criminal antecedents of similar nature. If it comes to the fore that the Petitioners have any such criminal antecedent, this order shall stand recalled.

10. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS