

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10141 of 2022

Prakash Mandal

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
03.11.2022

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 connection with Special G.R. Case No.38 of 2021, pending in the file of the learned Special Judge, Bhanjanagar, arising out of Bhanjanagar P.S. Case No.508 of 2021, for alleged commission of offences under Section 20(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Bhanjanagar, by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that co-accused has since been released on bail by this Court by order

dated 06.07.2022 in BLAPL No.11195 of 2021. Hence, inter alia on the ground of parity, the petitioner seeks release.

6. On a bare perusal of the order of the co-accused, which is on record, it is seen that the said co-accused resides within the jurisdiction of the Court in seisin, whereas the petitioner is from West Bengal.

7. Adverting to the same, learned counsel for the State opposes the prayer for release of the petitioner and more so in view of the stipulations as contained in Section 37 of the NDPS Act.

8. Considering the release of the co-accused and the manner in which the petitioner has been implicated being the pillion rider of the vehicle from which the seizure of contraband has been affected to the tune of 23Kg 110gms and considering the period of custody since 20.11.2021, this Court directs the petitioner to be released on bail. The learned Court in seisin over the matter to fix suitable terms so as to ensure the presence of the petitioner, keeping in view that the petitioner does not live within the jurisdiction of the Court in seisin.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha