

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10200 of 2022

Himansu Baliarsingh

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

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 T.R. No.556 of 2021 pending on the file of the learned 2nd Addl. Sessions Judge, Bhubaneswar, arising out of Laxmisagar P.S. Case No.406 of 2021 for commission of the offence 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 2nd Addl. Sessions Judge, Khurda at Bhubaneswar by order dated 28.09.2022, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the co-accused- Parameswar Pradhan has already been released on

bail by order dated 16.09.2022 in BLAPL No.4751 of 2022. Hence, on the ground of parity, the Petitioner seeks release on bail.

6. Mr. Pradhan, Learned counsel for the State, opposes the prayer for bail of the Petitioner, inter alia, relying on the bar contained in Section 37 of the N.D.P.S. Act.

7. On perusal of the order passed by a Coordinate Bench of this Court, it is seen that the co-accused was granted bail taking into account the submission of the learned counsel for the Petitioner regarding violation of the statutory formalities relating to search and seizure and also relating to the mode of weighment.

8. Learned counsel for the State opposes such submission on the ground that the seizure being a joint one, it is not open to the accused to submit that individually contraband (ganja) to the tune of 51 kgs. 700 grams was being transported. Hence, it is stated that as relevant materials were not placed for consideration of the Court in their proper perspective, bail has been granted to the co-accused.

9. On a conspectus of the materials on record and taking into account the release of the co-accused and that the Petitioner resides within the territorial jurisdiction of the learned Court in seisin, 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.

10. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS