

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10283 of 2022

Bibhu Prasad Panda

....

Petitioner

Mr. S.K. Lenka, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

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 G.R. Case No.18 of 2021(N), pending in the file of learned Additional Sessions Judge-cum-Special Judge, Khallikote, Ganjam arising out of Kodala P.S. Case No.365 of 2021, for alleged commission of offence under Sections 20(b)(ii)(c) of NDPS Act and is in custody since 29.07.2021.
4. 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, Khallikote, Ganjam by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused have already been released on bail by this Court by order dated 25.02.2022 in BLAPL No.8055 of 2021 and by order dated 04.03.2022 in BLAPL No.7215 of 2021 and by order dated

30.09.2022 in BLAPL No.2528 of 2022, hence inter alia on the ground of parity the petitioner seeks release.

6. Learned counsel for the State on perusal of the order of rejection submits that ex-facie the petitioner is not similarly circumstanced and in view of the bar contained under Section 37 of the NDPS Act, he ought not to be released on bail.

7. Taking into account the release of the co-accused and considering the statement at the bar that the petitioner is the first offender, 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.

8. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has criminal antecedent of any nature this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi