

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10353 of 2022

Sk. Akash

....

Petitioner

Mr. L. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.11.2022

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. Case No.35 of 2022 pending on the file of the learned 1st Addl. Sessions Judge-cum-Special Judge under N.D.P.S Act, Khurda arising out of Khordha P.S. Case No.182 of 2022 for alleged commission of offence under Sections 20(b)(ii)(C)/29 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 Special Judge under NDPS Act, Khurda by order dated 13.10.2022, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that taking into account the release of the co-accused by order dated 21.10.2022 in BLAPL No.3797 of 2022, filing of the charge sheet and taking into

account that the contraband (ganja) seized is more than commercial quantity and since the Petitioner is similarly circumstanced with the co-accused, on the ground of parity, he may be released on bail.

6. No plausible reason could be given by the learned counsel for the State for not filing the final form though he objected to grant of bail relying on the bar contained in Section 37 of the N.D.P.S. Act.

7. Taking into account the release of the co-accused, 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 releasing the bail, learned Court in seisin shall verify the criminal antecedents of similar nature. If it comes to the fore that the Petitioner has such criminal antecedent, this order shall stand recalled.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS