

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10467 of 2022

Lada Digal

....

Petitioner

Mr. S. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
15.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in C.T Case No.10 of 2021 pending on the file of learned Sessions Judge-cum-Special Judge, Kandhamal, Phulbani arising out of Gochhapada P.S. Case No.8 of 2021, for commission of offence alleged under Section 20(b)(ii)C of the N.D.P.S Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Phulbani by order dated 13.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel submits that the Petitioner is in custody since 11.10.2022 and charge sheet is filed on 12.11.2021 citing him as an absconder.

5. Learned counsel for the Petitioner relies on the order dated 23.08.2022 in respect of Tankadhar Digal in BLAPL No.11167 of 2021. The same is on record.

6. On perusal of the same, it is seen that this Court taking into account the manner of seizure of the contraband which notably is more than commercial quantity from the alleged house of the accused Jambe Digal and keeping in view the generality of the allegations directed the Petitioner therein to be released on bail.

7. Learned counsel for the Petitioner submits that the Petitioner is similarly circumstanced. Hence, he seeks release of the Petitioner on the ground of parity.

8. Learned counsel for the State opposes the prayer for bail relying on the bar contained in Section 37 of the N.D.P.S Act and submits that at this stage the question of parity cannot be entertained.

9. Keeping in view the nature of allegation and release of the co-accused as noted, this Court is persuaded to hold that the Petitioner is prima facie similarly circumstanced with the said accused. Hence, it is directed that the Petitioner be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.

11. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of any nature**. If the Petitioner has any criminal antecedent, this order shall stand recalled.

12. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge