

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10806 of 2022

Sahid Khan

....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with T.R. No.35 of 2022, pending in the Court of learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khordha, arising out of Khurda Model P.S. Case No.182 of 2022, for commission of offences under Sections 20(b)(ii)(C)/29 of NDPS 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 22.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioner that the co-accused Sudhir Lima has been released on bail by this Court by order dated 21.10.2022 in BLAPL No.3797 of 2022.

7. On perusal of the said order, it is seen that the contraband weighing 52Kgs (Ganja) was seized from the possession of the said petitioner.

8. It is submitted by the learned counsel for the petitioner that another co-accused Sk. Akash, who was also present at the spot, was released on bail by this Court by order dated 16.11.2022 in BLAPL No.10353 of 2022. Hence, further continuance of the petitioner in custody is unwarranted more so when he is the first offender and admittedly the implication is on account of co-accused statement.

9. Learned counsel for the State opposes the prayer for bail relying on the bar contained under Section 37 of the NDPS Act.

10. Considering the release of the co-accused with greater complicity, 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.

11. While releasing the petitioner on 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 antecedents, this order shall stand recalled.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha