

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10849 of 2022

Promad Nag @ Khara

....

Petitioner

Mr. P.K. Nanda, 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 counsel for the State.
 3. The Petitioner is an accused in Special G.R Case No.100 of 2021 pending on the file of learned Sessions Judge-cum-Special Judge, Malkanagiri, arising out of Mudulipada P.S. Case No.80 of 2021 for commission of offence under Sections 323/307/353 IPC and Section 20(b)(ii)(C)/27-A 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 Sessions Judge-cum-Special Judge, Malkanagiri by order dated 27.10.2022 in the aforementioned case, the present BLAPL has been filed.
 5. It is submitted that the implication of the Petitioner is on account of the co-accused statement and even if the entire allegation of the prosecution is accepted at its face value, his implication is

under Section 27- A of the N.D.P.S Act and since co-accused Arjun Suna @ Khara has already been released on bail by order dated 6.7.2022 in BLAPL No.5647 of 2022, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail.

7. Perused the order of rejection, final form and the order of co-accused, which are on record. Prima facie, the Petitioner is similarly circumstanced.

8. 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.

9. While releasing 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 antecedent, this order shall stand recalled.

10. The BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS