

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10975 of 2022

Pratham Patra

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
06.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in Special G.R. Case No.68 of 2021, pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri in the district of Malkangiri, arising out of Malkangiri P.S. Case No.286 of 2021, for commission of alleged offences under Sections 20(b)(ii)(C)/25/27-A/29-A of the NDPS Act and is in custody since 29.10.2022.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Malkangiri by order dated 01.11.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the accusation is on account of co-accused statement and the allegation against the petitioner is for financing trade.

5. Learned counsel for the petitioner on instruction submits that since admittedly there has been no seizure of the contraband (ganja) from the petitioner the bar under Section 37 of the NDPS Act does not operate. He also relies on the order passed by this Court dated 07.02.2022 in respect of co-accused Bipul Das in BLAPL No.6469 of 2021, who has since been released on bail and states that he being similarly circumstanced on the ground of parity he be released on bail.

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

7. Considering the release of the accused, as noted and that the petitioner is the first offender as submitted, 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 criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi