

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 10998 of 2022**

***Ajaya Patel***

....

***Petitioner***

Mr. S.K. Jena, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. M. Mishra, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**07.12.2022**

**Order No.**

**01.**

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. Special Case No.62 of 2022, pending in the file of learned District and Sessions Judge-cum-Judge, Special Court, Bargarh, arising out of Attabira P.S. Case No.299 of 2022, for commission of alleged offences under Sections 21(b)/25 & 29 of the NDPS Act and is in custody since 29.08.2022.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bargarh by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the co-accused has been released on bail by this Court by order dated 06.12.2022 in BLAPL No.10158 of 2022. Hence, inter alia on the ground of parity he seeks release of the petitioner.

5. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has criminal proclivity. Hence, the ground of parity does not stand to reason.

6. Keeping in view the contraband (brown sugar) seized is to the tune of 109.5 gms, admittedly less than commercial quantity and release of the co-accused, as stated and taking into account the circumstances of seizure, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

7. It is submitted that the petitioner has two criminal antecedents though not of similar nature. Keeping in view his criminal proclivity, this Court directs the petitioner to appear before the jurisdictional police station once every week on such date and time be fixed by the learned Court in seisin till conclusion of trial.

8. While enlarging the petitioner on bail, the learned court below shall verify that the petitioner has no criminal antecedents of similar nature, as stated. 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**