

07. 29.06.2018

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

This is an application under Section 439 Cr.P.C. in connection with C.T. Case No.83 of 2017 arising out of Phiringia P.S. Case No.72 of 2017 pending in the Court of learned Sessions Judge -cum- Special Judge, Phulbani for offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

The petitioner moved an application for bail before the learned Sessions Judge -cum- Special Judge, Phulbani which was rejected on 11.09.2017.

It is stated by the learned counsel for the petitioner that the bail application of the petitioner was rejected earlier in the trial Court while the investigation was under progress and in the meantime charge sheet has already been submitted and some of the co-accused persons have been released on bail and therefore, the petitioner may be permitted to withdraw this application to move the learned Court below afresh for bail and the learned trial Court be directed to consider the bail application in accordance with law taking into account the release of the co-accused persons.

Considering the submissions, without expressing any opinion on the merits, the bail application is permitted to be withdrawn. If any bail application is filed before the learned trial Court, the same shall be considered in accordance with law and claim of parity shall be duly considered by the learned trial Court in accordance with law.

A copy of the order be sent to the learned trial

Court for compliance.

Urgent certified copy of this order be granted on proper application.

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S. K. Sahoo, J.

