



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7250 of 2024

Mukesh Kumar Yadav* *Petitioner

Mr. C.R. Pattnaik, Advocate

-versus-

State of Orissa* *Opposite Party

Mr. S.K. Nayak, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

31.07.2024

Order No.

- 01.** 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with T.R. Case No.104 of 2023, pending in the Court of learned 2nd Addl. Sessions Judge, Bhubaneswar, arising out of **P.S. Case No.79 of 2023**, for commission of alleged offences under Section 20(b)(ii)(C)& Sec-29 of NDPS Act.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. Case is pending in any other Court.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd



Addl. Sessions Judge, Bhubaneswar by order dated 09.07.2024, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the Petitioner is in custody since 19.02.2023 and as charge sheet has already been filed on 15.08.2023, he may be released on bail.

6. The allegation against the Petitioner is that he along with other co-accused are involved in the transportation of contraband (ganja) to the tune of 185 kgs, recovered from the vehicle in which the Petitioner was travelling.

7. Learned counsel for the Petitioner submits that the co-accused have since been released on bail by this Court by order dated 11.01.2024 in BLAPL No.11252 of 2023(Deepak Mallik) and by order dated 13.05.2024 in BLAPL No.2347 of 2024(Mansingh Yadav). Hence on the ground of parity, the Petitioner seeks release.

8. Per contra, learned counsel for the State opposes the prayer and submits that co-accused, Deepak Mallik in BLAPL No.11252 of 2023 is concerned his case is patently distinguishable since the accusation was on account of co-accused statement.

9. This Court perused the order dated 13.05.2024 relating to the co-accused Manasingh yadav in BLAPL No.2347 of 2024. In the said case taking note of non-framing of charge on account of non-receipt of C.E.



report and the period in custody being more than one year, this Court directed release of the said accused.

10. It is further submitted by the learned counsel for the Petitioner on instruction that as on date "charge" in the case has not been framed.

11. Since it is not borne out from the impugned order of rejection relying on such statement made at the bar and taking into account the release of the co-accused, Mansingh Yadav, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin subject to verification of criminal antecedent.

12. If it comes to fore that the Petitioner has criminal antecedent of any nature and that charge has been framed as on date, this order shall not be given effect to.

13. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station once a month on such date and time to be fixed by the learned Court in seisin till the conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.

14. Accordingly, the BLAPL stands disposed of.



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

(V. NARASINGH)
Judge

Soumya

Signature Not Verified

Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Reason: Authentication
Location: High Court of Orissa
Date: 01-Aug-2024 17:30:59

