



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

**BLAPL No.11114 of 2024**

***Parsuram Lalit***

....

***Petitioner***

Mr. P.K. Das, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. C.R. Swain, AGA

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**30.10.2024**

**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 Special G.R. Case No.33 of 2023 pending on the file of learned Sessions Judge-Cum-Special Judge, Malkangiri arising out of **Orkel P.S. Case No.34 of 2023** for commission of offence alleged under Sections 20(b)(ii)(C) 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.483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) by the learned Special



Judge, Malkangiri by order dated 22.10.2024 in the aforementioned case, the present BLAPL has been filed.

5. This is the 5<sup>th</sup> journey of the Petitioner to this Court.

6. It is submitted by the learned counsel that the Petitioner is in custody since 01.02.2023 on the allegation that he along with co-accused were involved in transportation of contraband (ganja) to the tune of 96 kgs.

7. It is further submitted by the learned counsel that taking into account that two of the independent witnesses i.e. P.Ws.4 and 5 have not supported the prosecution, this Court by order dated 08.10.2024 directed the release of the co-accused( Kamal Lochan Behera and Lakhan Behera) in BLAPL Nos.10203 of 2024 and 7916 of 2024 respectively.

8. Learned counsel for the Petitioner, on instruction, submits that the said Lakhan Behera is all force with the present Petitioner. Hence, inter alia, on the ground of parity, the Petitioner seeks release.

9. Learned counsel for the State opposes the prayer for bail in view of the bar contained in Section 37(1)(b)(ii) of the NDPS Act.

10. On instruction, learned counsel for the Petitioner submits that the Petitioner is the first offender.



11. While releasing the co-accused, this Court took note of the Judgment of the Apex Court in the case of **Ankur Chaudhary vs. State of Madhya Pradesh** in SLP (Crl.) No.4648 of 2024 dated 28.05.2024.
12. Taking into account the release of the co-accused and that the Petitioner is the first offender, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
13. Additionally, it is directed that Petitioner shall appear before the jurisdictional police station once every month on such date and time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.
14. Before releasing, learned court in seisin is requested to verify the criminal antecedent of the Petitioner. If it comes to the fore that the Petitioner has **criminal antecedent of any nature**, this order shall not be given effect to.
15. Accordingly, the BLAPL stands disposed of.
16. Urgent certified copy of this order be granted as per the rules.

Signature Not Verified

Digitally Signed  
Signed by: PRADEEP KUMAR SWAIN  
Designation: Assistant Registrar-cum-Senior Secretary  
Reason: Authentication  
Location: Orissa High Court, Cuttack  
Date: 02-Dec-2024 15:19:44

**(V. NARASINGH)**  
**Judge**