



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1277 of 2025

Sk. Tajudin @ Taju

....

Petitioner

Mr. S.K. Rout, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mrs. U. Padhi, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.03.2025

Order No.

01.

1. Heard learned counsels for the respective parties.
2. Instant petition is filed for release of the petitioner on bail in connection with T.R. Case No.37(A) of 2022 arising out of Nandapur P.S. case No.32 of 2022 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Koraput on the grounds stated therein.
3. Perused the FIR and the rejection order as at Annexures-1 and 2 respectively.
4. Gone through the contents of the FIR as at Annexure-1. The copies of the orders in BLAPL Nos.6386 and 7875 of 2024 are produced in the Court with the submission that the co-accused persons including the one, who was arrested at the spot have been released on bail, hence, therefore, the petitioner should be extended the same relief. Learned counsel for the petitioner submits that on the basis of the confessional statement of the co-accused, namely, Anwar Khan, the petitioner has been implicated and he is in custody from 8th January, 2025. The further submission is that the said accused has been granted bail vide BLAPL Nos. 6386 of 2024. Mrs. Padhi, learned ASC for the State requests for an adjournment to



collect the case dairy and other police papers and on merits, seriously opposed release of the petitioner, since all the accused persons are involved in transportation of commercial quantity of contraband Ganja. From the order of this Court in BLAPL No. 6386 of 2024, it is noticed that the accused therein has been released on bail with conditions. Similarly, another accused, namely, Jogendra Khemundu in BLAPL No. 7875 of 2024 was released on bail since his implication is on the basis of the confessional statement of the co-accused, namely, Anwar Khan and it was with a reference to the Apex Court decisions in **Tofan Singh Vrs. State of Tamil Nadu (2020) 80 OCR (SC) 641** and **State of Haryana Vrs. Samarth Kumar 2022 Live Law (SC) 622**. As it appears upon a reading of the FIR i.e. Annexure-1, the petitioner was not caught at the spot but was subsequently arrested in view of the confessional statement of the co-accused above named. Having regard to the above facts and submissions of learned counsel for the respective parties and the closure of the investigation with the filing of the chargesheet in the meantime, as further informed, the petitioner, who is in custody since 8th January, 2025, since is on equal footing like the co-accused persons and his involvement is alleged and implicated on the basis of a disclosure made by the co-accused, namely, Anwar Khan, who is on bail, should also be extended parity and released subject to following conditions.

5. Accordingly, it is ordered.

6. In the result, the petition stands allowed. As a necessary corollary, the petitioner is directed to be released on bail in connection with T.R. Case No.37(A) of 2022 arising out of Nandapur P.S. case No.32 of 2022 subject to him furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties for the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge, Koraput, who shall



impose such other conditions as deemed just and proper in the facts and circumstances of the case besides the following, such as, he shall attend the trial on each date of posting without fail. The Court further directs that the release of the petitioner shall be upon verification and absence of any other similar antecedent against him.

7. The BLAPL is disposed of.
8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 25-Mar-2025 11:02:43

