

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.547 of 2022

Sandeep Kumar Gour* *Petitioner

Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. D.K. Pani,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

02.02.2022

Order No.

01. This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with T.R. Case No.67 of 2018 arising out of Malkangiri P.S. Case No.106 of 2018 pending in the Court of learned Sessions Judge -cum- Special Judge, Malkangiri for alleged commission of offence under section 20(b)(ii)(C) of the N.D.P.S. Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner is the owner of the offending

vehicle and no contraband article has been seized from the possession of the petitioner and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that it is a case of seizure of 101 Kg. 550 grams of the ganja from a car.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since commercial quantity of ganja has been seized in this case and in view of the bar under section 37 of the N.D.P.S. Act, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law. The case records shall be made available to the Court concerned.

Learned counsel for the petitioner submitted that the car in question has already been sold to somebody else for which the first information report was lodged.

Those matters will be argued in the learned Court below and the same shall be considered in

accordance with law.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM

