

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.812 of 2022

Asrit Mallick

....

Petitioner

Mr. B.K. Parida-2, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D.R. Parida,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

03.02.2022

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 C.T. Case No.04 of 2022 arising out of K.Nuagaon P.S. Case No.05 of 2022 pending in the Court of learned Special Judge -cum- Additional Sessions Judge, Balliguda for alleged commission of offences under sections 20(b)(ii)(B)/29 of the N.D.P.S. Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the contraband ganja, which is lesser than commercial quantity was seized from the possession of the co-accused, who has already been released on bail and

therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, 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 and claim of parity with the co-accused, who is stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

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