

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1270 of 2022

1. Kush @ Kusha Majhi

2. Indra Majhi

3. Saila @ Sail Majhi

4. Jisaya Majhi

5. Dasa @ Dash Majhi @

Das Majhi

.... Petitioners

Mr. S.S. Ray, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. Arupananda Das

Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
08.02.2022**

संक्षिप्त न्यायो

Order No.

01.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

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

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Puttasingh P.S. Case No. 21 of 2021 corresponding to T.R. Case No. 38 of 2021 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Gunupur for the commission of the alleged offences punishable under sections 20(b)(ii)(C) and 29 of the N.D.P.S. Act.

Learned counsel for the petitioners submitted that the

petitioners have not been named in the F.I.R. and commercial quantity of ganja was seized from the possession of one co-accused Mikhal Majhi, who was apprehended at the spot and other co-accused persons have fled away from the spot and after three months of the alleged occurrence, some statements were recorded and on the basis of those statements, the petitioners have been falsely implicated in the case. Learned counsel further submitted that the seizure of the contraband ganja was made in contravention of the mandatory rules and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, since it is a case of seizure of commercial quantity of ganja 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 petitioners, it is observed that in the event the petitioners surrender and move for bail before the Court below within a period of four weeks from today, the learned Court below shall dispose of the same expeditiously in accordance with. The case records shall be made available to the Court concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge