

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1355 of 2022

Danbaru Naik @ Dambarudhar Naik ***Petitioner***

Mr.Manoj Kumar Panda, Advocate

-versus-

State of Odisha ***Opp.Party***
Mr.P.K.Rout, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. The Petitioner is apprehending his arrest for the alleged commission of offence under Sections 20(b)(ii)(C)/27(a) of N.D.P.S.Act in C.T.Case No.01 of 2017 (NDPS) of the Court of the learned Special Judge, Dharamgarh arising out of Koksara P.S.Case No.179 of 2017.
5. Taking into consideration the nature of offence and non-availability of the case diary, I am not inclined to exercise my discretion under Section 438 Cr.P.C. in favour of the Petitioner.
6. However, it is observed that the Petitioner, if so advised, may

surrender before the learned Special Judge, Dharamgarh in the aforesaid case within three weeks from today. In the event of his surrender and motion for bail within the aforesaid period, learned Special Judge, Dharamgarh shall do well to dispose of the bail application of the Petitioner on the same day on merit in accordance with law. The case diary be made available in the concerned court to facilitate disposal of the bail application of the Petitioner.

7. The ABLAPL is accordingly disposed of.
8. Issue urgent certified copy of the order as per Rules.

RKS

