

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1723 of 2022

Biranchi Mallick

....

Petitioner

Mr. Mahes Das, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Susamarani Sahoo,
Addl. Standing Counsel*

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

ORDER

03.03.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical 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.20 of 2021 arising out of Balliguda P.S. Case No.59 of 2021 pending in the Court of learned Special Judge -cum- Additional Sessions Judge, Balliguda for alleged commission of offences under sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the petitioner's implication in the case is based on the confessional statement of co-accused before police and therefore, the anticipatory bail application of the petitioner

may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail on the ground that 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, the petitioner is not entitled to be released on 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. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM