

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 590 of 2022

Dillip Biswas

....

Petitioner

Mr. Rajib Lochan Pattnaik, Advocate

-Versus-

The State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

09.09.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner challenging the order of NBW dated 12th April, 2021 passed in T.R. Case No.103 of 2020 arising out of Mathili P.S. Case No.130 of 2020 on submission of charge-sheet showing him as an absconder on the grounds stated therein.
3. Perused copy of the FIR as at Annexure-1, charge-sheet i.e. Annexure-2 and the impugned order dated 12th April, 2021 which is at Annexure-4 series.
4. Learned counsel for the petitioner submits that there is an the allegation in the FIR that petitioner was a financier responsible for transporting the contraband Ganja in the offending vehicle and on the basis of the confessional statements of the co-accused persons, he has been entangled and then charge-sheet was filed, consequent upon which, the impugned order of NBW was passed, which is untenable in law but the same is objected to by the learned

counsel for the State contending that there is prima facie material on record to show that petitioner was transporting contraband article.

5. On a perusal of the FIR, the Court finds that commercial quantity of ganja was allegedly transported at the relevant point of time which has been intercepted by the local police and the accused persons present at the spot were apprehended and some others fled away. It is further alleged by the local police that the involvement of the petitioner is disclosed. In view of the above, this Court without entering into the merits of the case finds that the learned court below has rightly issued the order of NBW against the petitioner since because the charge-sheet was filed showing him as an absconder. At this stage, it is submitted that the petitioner be directed to surrender and go on bail claiming parity.

6. In view of the above submission, the CRLMC stands disposed of with liberty to the petitioner to surrender before the learned Sessions Judge-cum-Special Judge, Malkangiri in T.R. Case No.103 of 2020 arising out of Mathili P.S. Case No.130 of 2020 on or before 27th September, 2022 and move for bail, the same shall be considered on merits and in accordance with law appreciating the claim of parity, if applies.

7. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge