

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2400 of 2022

Pratham Patra @ Pratham Petitioner
Kumar Patra

Mr.Abhas Mohanty, Advocate

-versus-

State of Odisha Opp. Party

Mr. D.K. Pani,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
23.03.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Malkangiri P.S. Case No. 286 of 2021 corresponding to Special G.R. Case No.68 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Malkangiri for the commission of the alleged offences punishable under sections 20(b)(ii)(C), 25, 27(a) and 29 of the N.D.P.S. Act.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that the involvement of the petitioner is based on the confessional statement of the co-accused before the police and therefore, the anticipatory bail application may be favourably considered.

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

In view of such submissions made by the learned counsel for the respective parties, since commercial quantity of ganja has been seized 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 petitioner, liberty is granted to the petitioner to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Court below shall dispose of the same in accordance with law expeditiously. 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

PKSahoo