

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2923 of 2021

Saroj Ku. Mohapatra* *Petitioner

Mr. G.K. Mohanty, Advocate

-versus-

State of Odisha* *Opp. Party

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

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

ORDER

15.02.2022

Order No.

04. 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 Special Case No.02 of 2021 arising out of Athagarh P.S. Case No.43 of 2021 pending in the Court of learned Special Judge, Athagarh for alleged commission of offences under sections 20(b)(ii)(B)/25/29 of the N.D.P.S. Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the house from which the contraband ganja of 2 kg., which is lesser than commercial quantity, was of

one Akshya Kumar Panda and when S.I. of Police, S.T.F., C.I.D., C.B., Bhubaneswar along with other police officials raided the house, two persons were present and one of them ran away and the other person was caught, who was co-accused Laxmidhara Sahoo and basing on his confessional statement, the petitioner, who is the owner of the car in question in which contraband ganja was transported has been arrayed as an accused. He further submitted that the said co-accused has already been released on bail by the learned Court below and therefore, the anticipatory bail application of the petitioner 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 ganja under N.D.P.S. Act, 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 Courts below in accordance with law and claim of parity with the co-accused who is stated to have been released on bail shall be taken into account at the time of adjudication of the bail application. The case records shall be made available

to the Court concerned.

The ABLAPL is accordingly disposed of.

Interim order dated 06.04.2021 stands vacated.

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

(S.K. Sahoo)
Judge

RKM

