

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3009 of 2021

Padmalochan Dalbehera* *Petitioner

Mr. R.K. Mahapatra, Advocate

-versus-

State of Odisha & others* *Opp. Parties

*Mr. J.P. Patra,
Addl. Standing Counsel*

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

**ORDER
16.03.2022**

Order No.

03. 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 P.R. No. 141 of 2020-21 corresponding to T.R. Case No.368 of 2020 pending in the Court of learned 2nd Addl. Sessions Judge, Bhubaneswar for the commission of the alleged offence punishable under section 20(b)(ii)(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that though the petitioner was the registered owner of the offending vehicle at one point of time which was

purchased under the Hypothecation Agreement from the Finance Company and the vehicle was repossessed by the Finance Company as the petitioner could not repay the outstanding loan dues. Then in the auction sale, the opposite party no.3 purchased it and it was in his possession but he has not taken any steps for transfer of the ownership in the registered documents and in the meantime the vehicle was found to have been involved in the case under the N.D.P.S. Act and accordingly, the Investigating Officer submitted charge sheet against the petitioner.

Learned counsel for the State, on the other hand, submitted that huge quantity of ganja was seized from the offending vehicle and therefore, keeping in view the bar under section 37 of the N.D.P.S. Act, the petitioner is not entitled to be released on bail. He further submitted that the petitioner was hand in glove with the co-accused persons, who were making transportation of ganja and the petitioner's involvement will be ultimately decided after adducing evidence during trial.

In view of the nature and gravity of accusation and since it is a case of seizure of commercial quantity of ganja, keeping 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, it is observed that in the event the petitioner surrenders and moves for bail before the Court below within a period of four weeks

from today the learned Court below shall dispose of the same expeditiously in accordance with law. 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

