

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.916 of 2022

Prasanta Khatua

....

Petitioner

Mr. J. Sahu, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K. Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

10.10.2022

Order
No.

01.

1 Heard learned counsel for the petitioner and learned Additional Government Advocate for the State.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in C.T. Case No.736 of 2020 pending in the file of learned Sessions Judge-Cum-Special Judge, Boudh on the grounds stated therein.

3. The Court perused the copy of the FIR which is at Annexure-1 as per which huge quantity of cannabis plants were destroyed cultivated over an area of Ac.80.50 dec. and in that connection, two persons were found at the spot but fled seeing the police staff.

4. It is contended that the petitioner was not present at the spot but then the local police allegedly implicated him on the ground that his involvement was revealed during investigation and thereafter, the charge sheet was filed under Section 20(a)(i) of the NDPS Act.

5. It is submitted that the maximum sentence which is prescribed for the offence under Section 20(a)(i) of the NDPS Act is ten years and with fine which may extend to one lac but having regard to the fact that the petitioner was not present at the spot but his involvement was on account of a revelation made during the investigation and if the Court is not inclined to quash the proceeding on such ground, he should at least be directed to surrender and go on bail on any such terms and conditions morefully when there is no criminal antecedent against him.

6. Considering the above limited prayer, this Court is of the view that the petitioner against whom non-bailable warrant of arrest is pending execution should be directed to surrender before the learned below and apply for bail although the Court is not inclined to quash the criminal proceeding with respect to C.T. Case No.736 of 2020.

7. Consequently, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of learned Sessions Judge-Cum-Special Judge, Boudh on or before 20th October, 2022 in C.T. Case No. 736 of 2020 corresponding to Baunsuni P.S. Case No.127 of 2020 and in the event of his surrender, the court shall release him on bail subject to such terms and conditions and also on confirmation that he does not have any criminal antecedent of similar nature.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge