

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1075 of 2022

Sk. Samatulla

....

Petitioner

Mr.Amulya Ratna Panda, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

19.09.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present petition under Section 482 Cr.P.C. has been filed by the petitioner challenging the impugned order dated 1st December, 2021 passed by the learned Sessions Judge-cum-Special Judge, Puri in T.R. Case No.56 of 2021 denying the default bail in his favour filed under Section 167(2) of Cr.P.C. read with Section 36(A)(4) of the N.D.P.S. Act.
3. In course of hearing, the learned counsel for the petitioner submits that since chargesheet was filed without having obtaining the chemical examination report and hence, the same is incomplete and therefore, considering the same, the court below should have released the petitioner on default bail forthwith.
4. On the other hand, Mr. Praharaj, learned Standing Counsel for the State vehemently objected to the aforesaid submission of learned counsel for the petitioner and contended that the impugned

order dated 1st December, 2021 vis-à-vis default bail has not been challenged in the present case on the ground that the charge sheet to be incomplete.

5. At this point of time, learned counsel for the petitioner submits that liberty may be granted to the petitioner to withdraw the petition and once again to move the court below.

6. In view of the above, the CRLMC stands disposed of with a liberty granted to the petitioner to approach the learned court below with a fresh application taking ground that charge sheet has been filed without having a chemical examination report and all such other grounds as are available to him which shall be considered in accordance with law by the learned Sessions Judge-cum- Special Judge, Puri who shall thereafter pass appropriate orders in accordance with law.

7. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo