

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.7633 of 2022**

***S.K.Aspak***

....

***Petitioner***

*Mr.Asit Kumar Jena, Advocate*

**-versus-**

***State of Odisha***

....

***Opp.Party***

*Mr.S.Patras, A.S.C..*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**21.07.2022**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. The Petitioner is apprehending his arrest for the alleged commission of offence under sections 20(b)(ii) C/25/27-A/29 of N.D.P.S.Act in T.R.Case No.147 of 2021 of the Court of the learned Additional Sessions Judge-cum-Special Judge, Khurda arising out of Tangi P.S.Case No.411 of 2021.
5. Taking into consideration the nature of offence and non-availability of the case diary, I am not inclined to exercise my discretion under Section 438 Cr.P.C. in favour of the Petitioner.
6. However, it is observed that the Petitioner, if so advised, may

surrender before the learned Additional Sessions Judge-cum-Special Judge, Khurda in the aforesaid case within three weeks from today. In the event of his surrender and motion for bail within the aforesaid period, learned Additional Sessions Judge-cum-Special Judge, Khurda shall do well to dispose of the bail application of the Petitioner on the same day on merit in accordance with law. The case diary be made available in the concerned court to facilitate disposal of the bail application of the Petitioner.

7. The ABLAPL is accordingly disposed of.
8. Issue urgent certified copy of the order as per Rules.



RKS