

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7724 of 2022

Benudhar @ Laba Kanhar

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, 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 learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner seeking pre-arrest bail in connection with C.T. Case No.481 of 2019 corresponding to Special Case (NDPS) 129 of 2019, arising out of Boudh P.S. Case No.177 of 2019 pending in the court of learned Special Judge-cum-Sessions Judge, Boudh for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
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 Special Judge-cum-Sessions Judge, Boudh

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

7. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

