

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8850 of 2022

Subas Das @ Chaunwa *Petitioner*
Mr. Biswaranjan Dalai, Advocate
-versus-
State of Odisha *Opp. Party*

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.08.2022

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 is seeking pre-arrest bail in connection with Special G.R. Case No.48 of 2022, arising out of Kujang P.S. No.177 of 2022 pending in the court of learned Special Judge, Kujang for commission of offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. Act.
5. It is submitted by learned counsel for the petitioner that one Ajay Kumar Mohapatra, who is the principal accused from whose procured contraband ganja weighing 2 Kgs. 100 grams and on the basis of the statement of Ajay Kumar Mohapatra, the petitioner has been implicated in this case. It is further submitted by learned

counsel for the petitioner that the petitioner has been falsely implicated in the present case and nothing has been recovered from exclusive and conscious possession of the petitioner. It is also submitted that the contraband article is less than commercial quantity and Section 37 of the NDPS Act is not attracted against the petitioner.

6. Considering the nature of allegation, gravity of offence and seriousness of the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature or simple in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge