

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

**ABLAPL No.11000 of 2022**

***Kesab Pangi***

....

***Petitioner***

*Mr. Asit Kumar Jena, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

*Mr. Shashank Patra, A.S.C.*

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**

**13.09.2022**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 20(b)(ii)C, 25 & 29 of the N.D.P.S. Act.
4. Considering the seriousness of the allegation, gravity of the offence and facts and circumstances of the case, it is observed that, the Petitioner, if so advised, may surrender before the learned Sessions Judge-cum-Special Judge, Malkangiri in Spl. G.R. Case No.02 of 2022 corresponding to Chitrakonda P.S. Case No.07 of 2022 within a period of three weeks from today. In the event the Petitioner surrenders and moves for bail within the aforesaid stipulated period, learned Sessions Judge-cum-Special Judge, Malkangiri shall do well to dispose of the bail application of the

Petitioner on the same day on merit in accordance with law and further keeping in view the fact that the Petitioner was not present at the spot from where the seizure was made. Further, while considering the bail application of the Petitioner, the learned court in seisin over the matter shall also consider the law laid down by the Hon'ble Supreme Court of India in ***Tofan Singh vs. State of Tamilnadu*** : reported in ***(2021) 4 SCC 1*** and order dated 10.01.2022 in the matter of ***State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimuta and another (Special Leave to Appeal (Criminal) No.242 of 2022)***. The Case Diary be made available to the concerned court in order to facilitate in disposal of the bail application of the petitioner on the same day.

Ground of parity, if canvassed by the learned counsel for the Petitioner, shall also be taken into consideration by the learned Sessions Judge-cum-Special Judge, Malkangiri, while considering the bail application of the Petitioner.

5. The ABLAPL is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.

***(A.K. Mohapatra)***  
***Judge***