

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11025 of 2022

Panchanan Nayak

....

Petitioner

Mr. J.K. Bala, Sr. Advocate along with

Mr. T.K. Acharya, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.10.2022

Order No.

03.

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. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.45 of 2017 arising out of Adava P.S. Case No.52 of 2017 pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Paralakhemundi, Gajapati for alleged commission of offences under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

4. It is submitted by learned counsel for the petitioner that on the basis of statement of the co-accused persons, the petitioner has been falsely implicated in this case. It is further submitted that no contraband articles were seized from the conscious and exclusive possession of the present petitioner and that the petitioner is owner of the vehicle. The only allegation against the petitioner is that his vehicle has been used illegal transportation of contraband articles. It

is further submitted that some of the co-accused persons, who have been caught raid handed, have faced trial and they have been acquitted in the case by the judgment dated 24th of October, 2019 in T.R. No.29 of 2018 passed by the learned Additional Sessions Judge-cum-Special Judge, Paralakhemundi, Gajapati, as the prosecution has not been proved the guilty of the accused persons under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

5. Considering the nature of allegation, gravity of offence and 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 surrenders and moves an application for bail 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 with further conditions that :-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date without fail; and
- IV. he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. It is open for the court in seisin over the matter to impose other conditions as may 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 the Petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents, 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.

Jagabandhu

