

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11488 of 2022

Kalandi Ch. Sahu

....

Petitioner

Mr.Surya Kanta Pradhan, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and 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 seeking pre-arrest bail in connection with Special Case No.27 of 2019, arising out of Angul P.S.Case No.663 of 2019 pending in the Court of the learned Sessions Judge, Cuttack for commission of alleged offence punishable under sections 21(b) of the NDPS Act 1985 read with Section 13/18-A/18(c) of the Drugs and Cosmetics Act, 1940.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is no way connected with the allegations made in the F.I.R. and has been falsely implicated due to previous enmity between the informant and the Petitioner. He also submits that the Petitioner has no nexus with the seized materials and the Petitioner has no criminal

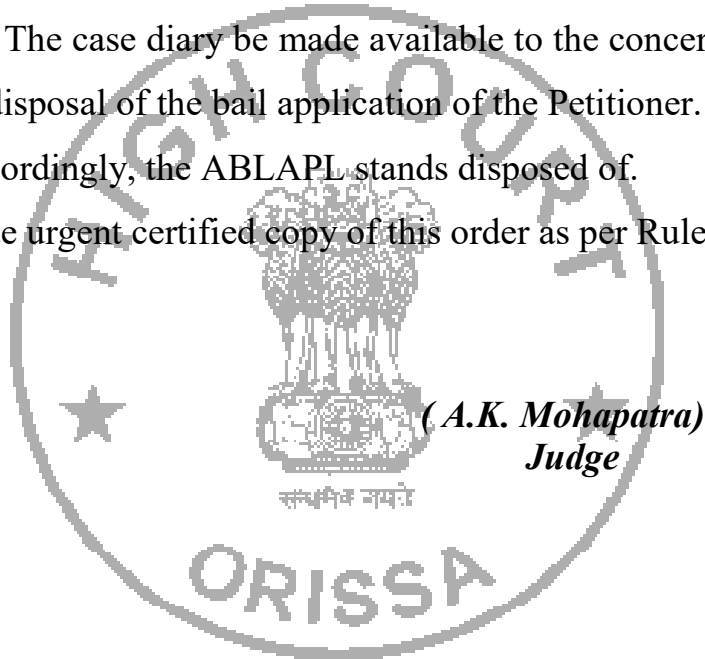
antecedents.

6. Taking into consideration the nature of offence and non-availability of the case diary, I am not inclined to exercise any discretion under Section 438 Cr.P.C. in favour of the Petitioner.

7. However, it is observed that the Petitioner, if so advised, may surrender before the learned Sessions Judge, Cuttack in the aforesaid case within three weeks from today. In the event the Petitioner surrenders and moves for bail within the aforesaid period, learned Sessions Judge, Cuttack 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 to the concerned court to facilitate disposal of the bail application of the Petitioner.

8. Accordingly, the ABLAPL stands disposed of.

9. Issue urgent certified copy of this order as per Rules.



RKS