

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11961 of 2022

Debabrata Kanungo

....

Petitioner

Mr. Pradipta Beura, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
22.09.2022

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. It is submitted by learned counsel for the Petitioner that the Petitioner has not been named in the F.I.R. He further submits that charge-sheet has been filed against the accused persons, whose names are there in the F.I.R. Learned counsel for the Petitioner further submits that the Petitioner is being threatened by police, for which the Petitioner is apprehending that he may be falsely implicated in this present case by the police.

5. Considering such submission, seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned Addl. Sessions Judge-cum-Special Judge, Rairakhol in T.R. Case No.49 of 2021 corresponding to Rairakhol P.S. Case No.129 of 2021 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of Criminal Antecedents of the Petitioner. In the event it is found that there is more than one criminal antecedent of similar nature against the Petitioner, then this bail order shall stand automatically revoked.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge