

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11963 of 2022

***Nila Rout @ Nilanchal Rout &
another***

.... ***Petitioners***

Mr. Tapas Kumar Acharya, 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 Petitioners for anticipatory bail, involving offence punishable under Sections 20(b)(ii)(C) of the N.D.P.S. Act.
4. It is submitted by learned counsel for the Petitioners that, some of the co-accused persons in this case have already been released on bail in the meantime. He further submits that, on the basis of co-accused statements the present Petitioners have been implicated in this case.
5. Considering the aforesaid submission, 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 Addl. Sessions Judge-cum-Special Judge, Khallikote in Spl. G.R. Case No.10 of 2021 arising out of Kodala P.S. Case No.222 of 2021 within a period of three weeks from today. In the event the Petitioner surrenders and moves for bail within the aforesaid stipulated period, learned Addl. Sessions Judge-cum-Special Judge, Khallikote 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 Petitioners, shall also be taken into consideration by the learned Addl. Sessions Judge-cum-Special Judge, while considering the bail application of the Petitioner.

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

(A.K. Mohapatra)
Judge