

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12458 of 2022

Rajesh Brahma

Petitioner

....
Mr.Kamal Behari Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
28.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 20(b)(ii)(c)/25/29 of the N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioner that the accused persons who are arrested from the spot have faced the trial and in the meantime got acquitted by the learned trial court. So far as the Petitioner is concerned, the vehicle which was used in the alleged crime stood recorded in the name of the present Petitioner. Further, it is submitted by the learned counsel for the Petitioner that the vehicle was sold to a second hand/old car dealer. Thereafter the same was taken by the accused persons who have already faced trial and have already acquitted.

5. Considering the 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 Special Judge, Gajapati, Parlakhemundi in G.R.Case No.08 of 2015 corresponding to Adava P.S. Case No.02 of 2015 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 antecedent of similar nature.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) He shall appear before the trial court on each and every date fixed positively without fail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge