

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12694 of 2022

Swadhin Guru

Petitioner

....
Mr. Suresh Ku. Jena, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Mishra, A.S.C.

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

ORDER
30.09.2022

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)/29 of N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is the owner of the vehicle in which the alleged contraband articles were being transported. It is further submitted by the learned counsel for the Petitioner that the owner of the vehicle has no knowledge about the occurrence. Further it is submitted by the learned counsel for the Petitioner that nothing was recovered from the exclusive possession of the Petitioner.

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 Sessions Judge-cum-Special Judge, Sonepur in 2(a) C.C.Case No.01 of 2022 within a period of three weeks from today, he shall be released on bail on the same day on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, keeping in view the aforesaid observation.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge

RKS