

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12904 of 2022

Rupa @ Snehalata Pradhan ***Petitioner***
Mr. Rohit Ranjan Ray, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
10.10.2022

Order No.

02. 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 offences punishable under Sections 21(b) / 29 of the N.D.P.S. Act.
4. 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 the Petitioner is given liberty to surrender before the learned 1st Addl. Sessions Judge-cum-Special Judge under NDPS Act, Khordha in T.R. Case No.87 of 2022 corresponding to Khordha Model P.S. Case No.457 of 2022 within three weeks from today. In the event of his surrender and motion for bail within the aforesaid period, learned 1st Addl. Sessions

Judge-cum-Special Judge under NDPS Act, Khordha shall do well to dispose of the bail application of the petitioner on the same day on merit in accordance with law. 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 as quick as possible in order to facilitate in disposal of the bail application of the petitioner on the same day itself.

5. Ground of parity, if canvassed by learned counsel for the Petitioner, may be taken into consideration by the learned court below as per law, while disposing of the bail application of the Petitioner on merit.
6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge