

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12996 of 2022

Lingaraj Rana @ Pichu

Petitioner
....
Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

Opposite Party
....
Mr. Shashanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
01.11.2022**

Order No.

02.

1. Heard learned counsel for the Petitioner and the State.
2. Petitioner has filed this application seeking anticipatory bail under Section 438, Cr.P.C. Accused-Petitioner Lingaraj Rana @ Pichu is allegedly to have been involved in the offence under Section 20(b)(ii)(c) of the N.D.P.S. Act in connection with Kantamal P.S. Case No.94 of 2022 corresponding to Special Case (NDPS) No.26 of 2022 pending in the Court of learned Addl. District Judge, Kantamal.
3. It is alleged that, on 25th July, 2022 at about 7.15 P.M. one Smt. Lisarani Sethi, wife of Soumya Ranjan Senapati of village Adia, P.S. – Agarapada, district – Bhadrak, at present working as S.I. of Police, Kantamal P.S. in the district of Boudh, lodged a written report at the P.S. informing that she got information from sources

that one Lingaraj @ Pichu Rana, s/o Goura Rana of village Ringapada, P.S. – Kantamal, district – Boudh, is dealing with narcotic business and has stacked huge quantity of ganja in the backside of his residential house at village Ringapada. As there was likelihood that the stacked ganja would have been consigned to other parties soon, it was not possible to obtain search warrant for the raiding party in accordance with the provision of Section 41 of the NDPS Act, and accordingly the house of the accused-Petitioner was searched immediately without a search warrant or authorization under Section 42 of the NDPS Act. Subsequent to the P.S. G.D. Entry No.15, dated 25.07.2022, it was transmitted to SDPO in the office of the S.P., Boudh vide VHF Message No.1561 & 1562 dated 25.07.2022 respectively.

4. In order to ascertain the veracity of the information, the Informant – S.I. of Police formed a team for raiding consisting of other police personnel from the said P.S. and proceeded in a Bolero vehicle to the spot with requisite Forms and Stationeries, personal Laptop and procured two local witnesses on the way. During raid, huge quantities of ganja, kept in two plastic bags in the residential house of accused Lingaraj @ Pichu Rana were detected. On weighment it was found to be ganja carrying 20 kgs.200 grams in each plastic bag. After completion of formalities, the same were seized besides other incriminating materials and accordingly F.I.R. was drawn. Anticipating arrest, the Petitioner has moved this court in the present.

5. It is submitted by learned counsel for the Petitioner that the house in question, where the raid was conducted and contraband ganja was seized, does not belong to the Petitioner nor he is the owner of the said house and also the raid was not conducted in presence of the Petitioner. Earlier this Court had directed the learned counsel for the State to obtain report as to whether the house from which the contraband ganja was seized, belongs to the present Petitioner. On instruction, learned counsel for the State submitted report before this Court prepared by the R.I. concerned through the Tahsildar, Kantamal. According to the said report, the house from where the contraband ganja was seized, is under Khata No.110/22, Plot No.733/1002, kism – 'Aata' measuring an area of Ac.8.30 decimals and the same stands recorded in the name of one Hadi Rout, Priyanka Rout, Kuni Rout of village Samakupa. Therefore, apparently the material available on the case record as of today does not bring a nexus between the present Petitioner and the seized contraband ganja.

6. Therefore, considering the submission made by learned counsel for the Petitioner and the report as submitted by the learned counsel for the State, while rejecting the anticipatory bail, this court directs the Petitioner to surrender before the learned court below within three weeks hence and moves for bail. In the event the Petitioner surrenders and move for bail, the learned court in seisin over the matter shall do well in considering the bail of the Petitioner in the light of the observations made herein above and shall dispose of the application on the same day on such terms and conditions as would be deemed just and proper in the facts and circumstances of the

case, besides the conditions that the Petitioner shall appear in person before the court in seisin over the matter on each date of trial unless specifically exempted by the court concerned. Further, the condition that he shall cooperate with the investigating agency by appearing before the I.O. as and when so required.

7. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

S.K. Parida

