

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13134 of 2022

Chandan Mahanandia

.... ***Petitioner***
Mr. J.K. Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.545 of 2021, arising out of Boudh P.S. Case No.311 of 2021 pending in the court of learned Special Judge-cum-Sessions Judge, Boudh for commission of offences punishable under Section 20(a)(i) of the N.D.P.S. Act.
5. It is submitted by learned counsel for the petitioner that although the name of the petitioner was found place in the F.I.R., there is no evidence to implicate the petitioner in the alleged crime as the cannabis plants, which was seized and destroyed, were raised in the forest land belonging to the Government. Moreover, in the F.I.R. it is stated on the basis of the information received that another

accused Adikandha Pradhan raising the cannabis plants and the petitioner has been falsely implicated in the present case.

6. It is further submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor direct evidence against him to implicate in the alleged crime. It is also submitted that basing on the facts and circumstances of the case, Section 37 of the N.D.P.S. is not attracted against the petitioner and that the petitioner does not have any criminal antecedents.

7. Learned counsel for the State, on the other hand, submits that the present petitioner is involved in the alleged crime as the persons, who are living in the locality, have stated the name of the petitioner is cultivating the cannabis plants in the said land. Therefore, the bail application of the petitioner should be rejected.

8. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper subject to condition that he shall furnish cash security of Rs.10,000/- (rupees ten thousand) with further conditions that besides other conditions would be imposed by the learned court below while releasing the petitioner on bail with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. he shall not threaten, harass and terrorize the

informant and her /his family members in any manner whatsoever; and

III. he shall not indulge in similar criminal activities while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

