

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13200 of 2022

Laxman Chhatraia @ Chhatra and others ***Petitioners***

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

Opp. Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with Special (N.D.P.S.) Case No.60 of 2020, arising out of Manamunda P.S. Case No.175 of 2022 pending in the court of learned Additional District Judge, Kantamal for commission of offence punishable under Section 20A(i) of the N.D.P.S.A Act.
5. It is submitted by learned counsel for the petitioner that as per the F.I.R. upon getting information, some persons were cultivating cannabis plants. The police party raided the spot and found some persons were working on the field. On seeing the arrival of police, they fled away from the spot. Later on, the petitioners have been named by some villagers as they were working in the field. It is

further submitted by learned counsel for the petitioner that they have been falsely implicated in this case. Further, it is submitted by learned counsel for the petitioner that the petitioners are daily labours and they sustain their families as daily wages. It is also submitted by learned counsel for the petitioners that they do not have any criminal antecedents and in the meantime, investigation has been concluded and charge-sheet has been submitted.

6. Considering the materials available on record as well as the facts and circumstances of the case and further taking into consideration the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move 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, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. they shall not default in attendance of the court during trial on each date of posting; and
- III. they shall not indulge in similar nature of criminal antecedents while on bail.

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

7. It is further directed that the bail granted to the petitioners is

subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked. Case diary along with criminal antecedents be made available on date of surrender before the learned court below.

8. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

