

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3078 of 2022

Chhuapua @ Prasanta Mohanty and Petitioners
Another

Mr. B.B. Routray, Advocate

-Versus-

State of Odisha Opposite Party

Mr. R.K. Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
01.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State opposite party.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the FIR as well as criminal proceeding in Special G.R. Case No.47 of 2022 arising out of Brahmanitarang P.S. Case No.179 of 2022 pending in the file of learned 1st Additional Sessions Judge, Rourkela on the ground that there is no prima facie case even by considering the FIR.

3. A copy of the FIR is at Annexure-1 and the same is perused by the Court. In fact, Brahmanitarang P.S. Case No.179 of 2022 was registered under Section 20(b)(ii)(C) of the NDPS Act.

4. In that connection all the accused persons who were apprehended at the spot are in judicial custody as is informed by the learned counsel appearing for the petitioners.

5. It is contended that the petitioners was not present at the spot but have been implicated on the strength of one of the co-accused. It is further submitted that in such view of the matter there

is no direct connection but only on the basis of confessional statement of the co-accused, they stand implicated and therefore, the criminal proceeding should be quashed. Mr. Tripathy, learned counsel for the State on the other hand submits that the investigation is at its initial stage and therefore, proceeding cannot be quashed.

6. In course of hearing, learned counsel for the petitioners submits that the petitioners may be granted to liberty to raise such ground at appropriate time before the learned court below in the event chargesheet is filed by the local police.

7. Considering the limited prayer of Mr. Routray, learned counsel for the petitioners, CRLMC stands disposed of with a liberty granted to the petitioners to raise all such grounds seeking discharge at appropriate time in case the investigation results in submission of chargesheet in Brahmanitarang P.S. Case No.179 of 2022 pending in the file of learned 1st Additional Sessions Judge, Rourkela.

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

(R.K. Pattanaik)
Judge