

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13904 of 2022

Jagan Naik

....

Petitioner

Mr. Manas Kumar Chand, 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. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail allegedly for his involvement in the offence punishable under Section 20(b)(ii)(c) of the N.D.P.S. Act, in connection with C.T. Case No.05 of 2021 (N.D.P.S.) arising out of Jaipatna P.S. Case No.413 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Dharamgarh.
3. It is alleged that contraband ganja weighing 375 kgs. were being transported in a Bolero vehicle by some persons. It is further alleged that the present petitioner has been named by co accused Kasanu Naik, the owner of the Bolero and accordingly found named in the FIR but nothing has been seized from his possession.

4. Keeping in view the submissions of the parties and having gone through the nature of allegations as emerged from the materials on record, and further the circumstances appearing, the seriousness and gravity of the offences, more particularly for the reason that the co accused not being in better footing then the present petitioner has since been released on bail in ABLAPL 1487 of 2022 this court maintaining the parity directs that in the event the Petitioner surrenders and moves for bail before the learned Addl. Sessions Judge-cum-Special Judge, Dharamgarh in the aforesaid C.T. Case within a period of three weeks from today, he be admitted to bail on such terms and conditions as would be deemed just and proper by the said court, but subject to the condition that he shall appear personally before the court in seisin over the matter on each date of posting of the case without fail, and in case of non-appearance, this order shall be treated as automatically revoked and necessary orders shall be passed by the learned court in seisin over the matter to take the petitioner to custody again. It is, however, made clear that this shall not be taken as precedent for other cases under offence alleged herein in consonance with the dictum of the Apex Court.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida