

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13952 of 2022

Ratra Ghibila and another

....

Petitioners

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

01.11.2022

Order No.

02.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail for the offences under Sections 20A of the NDPS Act.
3. It is submitted that the present Petitioners have allegedly been involved in the cultivation of cannabis plant as named by the villagers during the raid conducted by the raiding party consisting of the Police from Manmunda Police Station. It is further submitted that the Petitioners have neither been identified at the spot nor the villagers who named the Petitioners have been identified. Consequently, the allegations made against the present Petitioners are based on suspicion and are accordingly, being chased by the Police and hence, an apprehension of their arrest and prayed for consideration of their application for anticipatory bail.

4. Learned counsel for the State, on the other hand, vehemently opposed the bail application and contended that the quantity of cannabis cultivation in the area allegedly involving the present Petitioners cannot be taken lightly and merely because the villagers identified the present Petitioners have not been named in the F.I.R. On the contrary, the cultivation of cannabis of such quantity being detrimental to the interest of the public and the society as well deserves the prayer of the Petitioners to rejection.

5. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further the circumstances appearing, the seriousness and gravity of the offences, this Court is not inclined to grant anticipatory bail. However, if the Petitioners so desire and surrender before the learned court in seisin over the matter, the learned court concerned shall consider the application of the bail of the Petitioners independent of the observation made herein and shall deal with the same on its own merit strictly on the basis of the materials available on record and shall do well to dispose of the bail application on the same day if there be no legal impediment.

6. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi