

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14198 of 2022

Sudam Mandal

....

Petitioner

Mr. Satyabhusan Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

21.11.2022

Order No.

02.

1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application under Section 438 Cr.P.C., the Petitioner seeks for bail in apprehension of arrest for his alleged involvement in the offence U/s. 20(b)(ii)(c), 25 & 29 of the N.D.P.S. Act, in connection with Malkangiri P.S. Case No.363 of 2022 corresponding to Spl. G.R. Case No.103 of 2022 pending in the court of learned District & Sessions Judge-cum-Special Judge, Malkangiri.
3. It is alleged that on 20.06.2022, S.I. of Police namely K. Sangana along with other police staff of Malkangiri P.S. while performing raid near Goudaguda Chowk, at about 9.45 A.M. one white coloured Indigo Car came from Balimela side. On suspicion they instructed the vehicle to stop whereas the driver of the said vehicle did not stop the car and drove away speedily

towards village Suckraguda and stopped his car. The police party chased and intercepted. All the three persons travelling in the car escaped towards the nearby jungle. The police party after a chase could apprehend one person whereas the two others managed to escape. The person apprehended disclosed his name as Nikhil Bachhad and also disclosed the names of other two persons who escaped as Punkaj Das of Hatapada, Mathili and his friend from Pakhanjhor area. He also disclosed the other one to be Sudam Mandal of MV-51 and Bhima of Surlukonda, Balimela who procured Ganja for transporting. Following all the formalities, the said S.I. of Police seized total 50 kgs. 600 grams of contraband ganja and arrested the said accused Nikhil Bachhad with the Tata Indigo car bearing Regd. No. CG 17C 2375 which was carrying the said contraband articles, with cash of Rs.1000/- besides one Lava Mobile Phone. It is further alleged that the present petitioner Sudam Mandal has been named by the co-accused Nikhil Bachhad, but nothing has been seized from the present Petitioner.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is no way connected with the crime except that his name has been disclosed by the co-accused person and as such he may be considered for bail.

5. Keeping in view the submissions of the parties and having gone through the nature of allegations as emerged from the materials on record, there appears a clear case against the present Petitioner that he was one of the passengers in the car that was

intercepted by police and he managed to escape. On aforesaid background and further the circumstances appearing and the seriousness and gravity of the offences, this court is not inclined to grant anticipatory bail to the Petitioner. The prayer for bail stands rejected.

6. The ABLAPL is dismissed accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida

