

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14377 of 2022

Nabin Kanhar

....

Petitioner

Mr.Jugal Kishore Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE CHITTARANJAN DASH

Order No.

ORDER
06.12.2022

- 02.
1. Heard learned counsel for the Petitioner and the State.
 2. This is an application for bail U/s. 438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 20(a)(i) of NDPS Act.
 3. 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, while this Court is not inclined to grant anticipatory bail, the petitioner is at liberty to surrender before the learned Sessions Judge-cum-Special Judge, Boudh in Boudh PS Case No. 289 of 2021 corresponding to CT Case No. 504 of 2021 within three weeks from today and moves for bail, the learned court in seisin over the matter shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record on its own merit.

4. In case of rejection of the bail application by the learned court, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum may consider and dispose of the bail application of the Petitioner on the same day on its own merit, if there be no other legal impediment.

5. It is made clear that the learned court below shall not be influenced by any of the observations of this court made herein above in any manner. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day.

6. Court has to apply its own wisdom in dealing with the similar application for bail since the crime in question is to be discouraged in every respect.

7. It is also made clear that the learned Court below shall verify the criminal antecedent of the Petitioner and in case more than one antecedent is noticed, the order of this Court shall not be given effect to and the court shall be free to deal with matter of bail according to its merit without further referenced to the present.

8. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo/AKPradhan