

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14742 of 2021

Satya Nanda Behera **Petitioner**

Mr.C.R. Satapathy, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr.D.K. Pani,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
07.04.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Jagatpur P.S. Case No. 242 of 2021 corresponding to Special G.R. Case No.17 of 2021 pending in the Court of learned Sessions Judge, Cuttack for the commission of the alleged offences punishable under sections 20(b)(ii)(C) and 29 of the N.D.P.S. Act.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that the petitioner was the registered owner of the offending vehicle, but during Covid-19 period, when he faced financial difficulty, he handed over the same to one Ramesh Nayak on 17.08.2020 under an agreement for sale with certain conditions and since from that date, Ramesh Nayak was in possession of the vehicle and when the occurrence took place on 21.05.2021, at that point of time the petitioner was never in possession of the offending vehicle. He submits that steps could not be taken for change of ownership and after the case was registered, the police is trying to arrest the petitioner in connection with this case and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Whether the vehicle has been handed over to Ramesh Nayak and whether the agreement for sale of the vehicle is a genuine one or not and who was in possession of the vehicle at the relevant point of time, are to be adjudicated at the time of trial after assessing the oral as well as documentary evidence and it would not be proper for this Court to give any finding thereon while considering the anticipatory bail application.

In view of the nature of accusation, while not

inclining to grant anticipatory bail to the petitioner, liberty is granted to the petitioner to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Court below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Court concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.



PKSahoo