

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14570 of 2022

Dipan Garanayak

....

Petitioner

Mr. Samvit Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

29.11.2022

Order No.

01.

1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application, the Petitioner seeks pre-arrest protection under Section 438, Cr.P.C. for his alleged involvement in the offence under Sections 20(b) (ii) (c)/27(A)/29 of the N.D.P.S. Act, in connection with Boudh P.S. Case No.292 of 2022 corresponding to Special Case (NDPS) No.44 of 2022 pending in the court of learned Special Judge, Boudh.
3. The prosecution story, as per the F.I.R, is that the complainant Mandakini Kanhar, S.I. of Police, Model P.S. Boudh from the reliable information by IIC for illegal possession and selling of contraband ganja. The prosecution and along with other police staff of the P.S. proceeded to the spot. On seeing the police party, all the accused persons tried to flee away from the spot, but only one of them could manage to escape. On being asked, he disclosed the

accused persons and on search it was found one jerry bag 25.100 grams and excluding the poly packet only 25 Kg of contraband ganja was found from the conscious possession of the Petitioner.

4. It is submitted by learned counsel for the Petitioner that the allegation made against the Petitioner is false, fabricated and afterthought. The present Petitioner has been arrayed only on the basis of the statement of the co-accused persons.

5. Learned counsel for the State on the other hand vehemently objected the prayer for bail of the Petitioner on the ground that the Petitioner was selling contraband articles, and this type of illegal trafficking of contraband articles are increasing day by day in the State and further submitted that no leniency should be shown to the Petitioner, who is involved in such a heinous crime and prays for rejection of the bail of the Petitioner in the interest of the public and the society at large.

6. 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 to the Petitioner. However, if the Petitioner so desires and surrenders before the learned court in seisin over the matter, the learned court concerned shall consider the bail application of the Petitioner 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 as far as practicable, if there is no other legal impediment.

7. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

