

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16009 of 2021

Salyadu Mangala* *Petitioner
Dora

Mr.Ashok Das, 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 Adava P.S. Case No. 79 of 2020 corresponding to G.R. Case No.48 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Parlakhemundi for the commission of the alleged offences punishable under sections 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that in this case one pick-up vehicle was detained and it was found to be loaded with commercial quantity of ganja and two persons

were found in the vehicle in whose names F.I.R. was lodged and on completion of investigation, charge sheet has been submitted against those two persons keeping the further investigation open. Learned counsel further submitted that since no clinching material is available on record against the petitioner, the anticipatory bail application may be favourably considered.

Learned counsel for the State, on the other hand, produced the instruction dated 05.04.2022 received from the Inspector in-charge of Adava police station from which it indicates that the CDRs and SDRs of the mobile phone seized in the case reveals that the co-accused persons along with the petitioner were in the racket dealing with smuggling of contraband ganja from Keshariguda area to Kansamari area for pecuniary gain and the investigation further revealed that the accused persons had contacted each other and collected ganja from Keshariguda area and were transporting the same to Kansamari area. It is further mentioned that though frequent raids were conducted to nab the accused persons, but they were found absent. The instruction be kept on record.

In view of the materials available on record and the instruction received from the Inspector in-charge of Adava police station, 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 and the claim of parity with the co-accused persons, who are stated to have been released on bail shall

be taken into account. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

