

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16032 of 2021

Manoj Kumar Mohanty @ Petitioner
Pagal Mohanty

Mr. S. Parija, Advocate

-versus-

State of Odisha Opp. Party

Smt. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

12.01.2022

Order No.

01. This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Special G.R. Case No.87 of 2021 arising out of Paradeep P.S. Case No.268 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Kujang for alleged commission of offences under sections 20(b)(ii)(B) of the N.D.P.S. Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted

that from the possession of three co-accused persons, ganja was seized and those persons were arrested and they have already been released on bail and the petitioner has been implicated in the case on the basis of the confessional statement of co-accused before police and the seized ganja is lesser than commercial quantity and therefore, bar under section 37 of the N.D.P.S. Act is not applicable and there is no criminal antecedent against the petitioner and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties and in view of the nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of two weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM

