

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16311 of 2021

**Nageswar Sethy @
Nagesh** **Petitioner**

Mr.S. Dash, Advocate

-versus-

State of Odisha **Opp. Party**

Ms. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

20.01.2022

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 T.R. Case No.09 of 2016 arising out of Padwa P.S. Case No.25 of 2016 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Koraput for alleged commission of offences under section 20(b)(ii)(C)/29 of the N.D.P.S. Act.

Learned counsel for the petitioner submitted that some of the co-accused persons have already

been released on bail.

Since it is a case of seizure of commercial quantity of ganja and in view of the bar under section 37 of the N.D.P.S. Act, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible in accordance with law and while disposing of the bail application, the learned Court below shall consider the claim of parity with the co-accused, who is stated to have been released on bail, in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL stands 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

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