IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13946 of 2024

Sudarsan Karna @ Babaji Karna **.....** ***Petitioner***

Represented By Adv. –
Mr. Sangram Keshari Rout

-versus-

State Of Odisha **.....** ***Opposite Party***

Represented By Adv. –

Mr. S.K. Parhi, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
12.12.2024

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Party.

3. The present application has been filed under Section 482 of B.N.S.S., 2023 by the Petitioner seeking pre-arrest bail in connection with Boudh P.S. Case No.02 of 2018, corresponding to Special Case (NDPS) No.09 of 2019, pending in court of learned Special Judge, Boudh, for alleged commission of offence punishable under Section 20(a)(i) of N.D.P.S. Act, 1985 read with Section 27(1) of Orissa Forest Act, 1972.

4. It is stated by the learned counsel for the Petitioner that the

present Petitioner was neither present at the spot nor any contraband article has been recovered from his exclusive and conscious possession of the Petitioner. He further submitted that as per the F.I.R. allegation, some cannabis plants were raised on a field where some persons were working. On seeking the police team, such labourers ran away from the spot and they have been identified by the local forces. On such basis, the Petitioner has been implicated in the present case. Learned counsel for the Petitioner further submitted that some of the co-accused persons, who were arrested in the meantime, have enlarged on bail. He further submitted that earlier the Petitioner had approached this Court by filing ABLAPL No.10212 of 2018 which was disposed of on 28.08.2018 directing the Petitioner to surrender and move an application for bail before the court in seisin over the matter.

5. Keeping in view the aforesaid facts, the Petitioner is directed to surrender before the court in seisin over the matter within a period of four weeks from today and move an application for bail. In such eventuality, the court in seisin over the matter shall do well to consider the bail application of the Petitioner and dispose of the same in accordance with law on the same day. While considering the bail application of the Petitioner, the court in seisin over the matter shall also keep in view the aforesaid observation and shall apply the principle of parity, if the same is applicable to the facts of the Petitioner's case.

6. On an application being filed in advance along with a copy of this order, the Case Diary be made available to the court

concerned to facilitate disposal of the bail application of the Petitioner.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 16-Dec-2024 10:15:39