



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10470 of 2024

***Landa Sahu @ Subash Chandra
Sahu***

.....

Petitioner

Represented By Adv. –
Mr. Suryakanta Dwibedi

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. –

Mr. Samaresh Jena, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

30.09.2024

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
 2. Heard learned counsel for the Petitioner and 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 Gochhapada P.S. Case No.134 of 2024, corresponding to C.T. Case No.132 of 2024, pending in the court of learned Special Judge, Phulbani, for alleged commission of offence punishable under Section 20(b)(ii)(C)/25/29 of the N.D.P.S. Act read with Sections 25/27



of Arms Act.

4. It is stated by the learned counsel for the Petitioner that the Petitioner, as per the F.I.R. allegation, is the seller of the contraband Ganja. He further contended that the Petitioner was not present at the spot of occurrence and that nothing has been recovered from the conscious and exclusive possession of the present Petitioner. In such view of the matter, learned counsel for the Petitioner submitted that the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case. He further contended that the Petitioner does not have any criminal antecedent and that the Petitioner belongs to the locality, therefore, there is no chance of his absconding.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on the ground that a total quantity of 400 Kgs. of contraband Ganja was recovered from the accused persons other than the present Petitioner.

6. Taking into consideration the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the materials on record, I am not inclined to grant pre-arrest bail to the Petitioner. However, it is directed that in the event the Petitioner surrenders before the Court in seisin over the matter within a period of four weeks from today and moves an application for bail, the Court in seisin over the matter shall consider and dispose of the bail application of the Petitioner in accordance with law on the same day. Further, while considering the bail application of the Petitioner, the



Court in seisin over the matter shall also take note of the aforesaid observation made hereinabove.

7. The Case Diary be made available to the concerned court to facilitate disposal of the bail application of the Petitioner.

8. 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: 01-Oct-2024 17:27:45

