



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.1316 of 2025**

***Mithun Suna***

**.....**

***Petitioner***

Represented By Adv. -  
Sk. Zafarulla

**-versus-**

***State Of Odisha***

**.....**

***Opposite Parties***

Smt. Siva Mohanty,  
ASC

**CORAM:**

**THE HON'BLE MR. JUSTICE ADITYA KUMAR  
MOHAPATRA**

**ORDER**

**27.03.2025**

**Order No.**

- 01.
1. This matter is taken up through Hybrid mode.
  2. Heard learned counsel for the Petitioner and learned Counsel for the State. Perused the records.
  3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 279, 337 of I.P.C. read with Section 20(b)(ii)C of NDPS Act in Spl. G.R. Case No.8 of 2024 of the Court of learned Special Judge, Patnagarh arising out of Lathor P.S. case No.59 of 2024.
  4. It is stated by learned counsel for the Petitioner that initially the Petitioner was not named in the F.I.R. In course of the investigation, basing upon the call detail record of some of the



accused persons, the Petitioner has been implicated in the present case. He further contended that the petitioner was neither present at the spot nor anything has been recovered from his conscious possession, therefore, the bar under Section 37 would not be attracted to the facts of the present case. He further contended that the Petitioner does not have any similar criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding.

5. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, objected to the release of the Petitioner on bail on the ground that the investigation is still on although a preliminary charge sheet has been filed in the meantime. He further submitted that the cases of illegal transportation of contraband article are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. In such view of the matter, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Considering the aforesaid facts of the case, further taking note of the fact that the Petitioner initially was not named in the F.I.R. and he has been subsequently implicated, this Court is not inclined to grant anticipatory bail to the Petitioner. However, it is observed that the Petitioner, if so advised, may surrender before the learned court in seisin over the matter, in the aforesaid case within four weeks from today. In the event the Petitioner surrenders and moves for bail within the aforesaid period, learned court in seisin over the matter, shall do well to dispose of the bail application of the Petitioner on the same day on merit in accordance with law. Further, while considering



the bail application of the Petitioner, learned Court in seisin over the matter shall take into consideration the observations made hereinabove, particularly, the fact that the bar under Section 37 would not be attracted to the facts of the present case. The case diary be made available to the concerned court to facilitate disposal of the bail application of the Petitioner.

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

**( Aditya Kumar Mohapatra )**  
**Judge**

S.K. Rout