



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.1733 of 2025

Prafulla Karmi

.....

Petitioner

Represented By Adv. -
Saroj Kumar Mishra

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. –
Mr. M.R. Patra, A.S.C.

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

ORDER
25.03.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing 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 20(a)(i) of N.D.P.S.Act read with Section 27(i) of Orissa Forest Act 1972 in Kantamal P.S.Case No.217 of 2024 corresponding to Special Case No.143 of 2024 (NDPS Act) of the Court of learned ADJ-cum-Special Judge, Kantamal.
4. It is stated by the learned counsel for the Petitioner that, as per the FIR allegation cannabis plants were cultivated on Government land. The Police team raided the area and the cannabis plants were seized. He further submitted that although the Petitioner was not present at the spot, however on local enquiry the Police has



implicated the Petitioner in the present crime. He further contended that neither the Petitioner was present at the spot, nor anything was seized from his conscious or exclusive possession. Therefore, the bar under section 37 of the Act is not attracted to the facts of the present case. He also contended that the Petitioner does not have criminal antecedent and that since the Petitioner belongs to the locality, there is no chance of his absconding.

5. Learned Additional Standing Counsel on the other hand objected to the release of the Petitioner on pre-arrest bail on the ground of gravity and seriousness of the allegation. He further contended that the accused persons, who were present at the spot were fled away on seeing the police party. Further he contended that although the Police party chased the Petitioner, however he managed to escape from the spot. Considering the nature and gravity of the allegation, learned Additional Standing Counsel submitted that the bail application of the Petitioner be rejected.

6. Having heard learned counsel for the respective parties, on careful examination of the surrounding facts and circumstances, the Petitioner is directed to surrender and move an application before the learned ADJ-cum-Special Judge, Kantamal, in the aforesaid case within four weeks from today. In the event the Petitioner surrenders and moves for bail within the aforesaid period, learned ADJ-cum-Special Judge, Kantamal, shall do well to dispose of the bail application of the Petitioner on the same day on merit in accordance with law keeping in view the aforesaid observation of this Court. He shall also consider the fact that the bar under section 37 of the Act cannot be attracted to the fact of the present case as nothing has been recovered from the possession of the Petitioner. The case diary be made available to the concerned court to facilitate disposal of the bail



application of the Petitioner on an application filed prior to the date of surrender along with the copy of this order.

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

(A.K. Mohapatra)
Judge

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