



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.6670 of 2026

Gadadhar Behera

.....

Petitioner

Represented by Adv. -
Rajendra Narayan Rout

-versus-

State Of Odisha

.....

Opposite Party

Represented by Adv. –

Mr. U.C. Jena, ASC

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

19.06.2026

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 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 Section 20(b)(ii)(C) of the N.D.P.S Act in G.R. Case No.06 of 2025 of the Court of learned District and Sessions Judge-cum-Special Judge, Ganjam, Berhampur arising out of Berhampur GRPS P.S Case No.10 of 2025.
4. Learned counsel for the Petitioner at this juncture submitted that the Petitioner does not want to press this application and seeks liberty to surrender before the court below and move an application



for bail.

5. Considering such submissions, the Petitioner is permitted to surrender before the learned court in seisin over the matter within a period of three weeks from today and move an application for bail. In such eventuality, learned court in seisin over the matter shall do well to consider the aforesaid observations made by this Court and dispose of the bail application of the Petitioner on the same day. While considering the bail application of the Petitioner, the learned trial court shall also apply the principles of parity. Further, while considering the bail application of the Petitioner, learned Court in seisin over the matter shall apply the law laid down by the Hon'ble Supreme Court of India in *Tofan Singh vs. State of Tamil Nadu* reported in (2021) 4 SCC 1. The case diary be made available to the concerned court to facilitate disposal of the bail application of the Petitioner. Release of the Petitioner shall be subject to the verification of criminal antecedent. In the event it is found that the Petitioner is having any criminal antecedent, this order shall not be given effect to.

6. The ABLAPL is disposed of accordingly.

Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Vacation Judge