

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

**BLAPL No.111 of 2022**

***Irma Podiami & Another***

....

***Petitioners***

Mr. P.K. Nanda, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. S.K. Nayak, AGA

**CORAM:**

**MR. JUSTICE D.DASH**

**ORDER**

**01.02.2022**

**Order No.**

- 01.
1. This matter is taken up by video conferencing mode.
  2. The Petitioners being in custody in connection with Kalimela P.S. No.174 of 2020 corresponding to T.R. Case No. 179 of 2020 on the file of the learned Sessions Judge, Malkangiri running for commission of offence under section 20(b)(ii)(B) of the NDPS Act, have filed this application under section 439 of the Cr.P.C. for their release on bail.
  3. Learned Counsel for the Petitioners submits that nothing has been recovered from the possession of this Petitioners but ganja of 59.550 kgs. was recovered from the vehicle standing at a lonely place and these Petitioners are said to be present there at the relevant time being engaged in packing the bags and are said to have fled away at the sight of police. He further submits that the investigation of the case is complete and the only material against the Petitioners is the statement of co-accused who was nabbed at the spot and on the

strength of the same, the prosecution having obtained the warrant of arrest, the Petitioners have come to be arrested. He, therefore, submits that in the facts and circumstances, the bar contained under section-37 of the NDPS Act does not stand on the way. In view of all these above, when there remains no scope on the part of the Petitioners to flee from justice and tamper the evidence; he urges for grant of bail to the Petitioners.

4. Learned Counsel for the State opposes the move in view of the quantity of contraband involved in the case. He further submits that whether the Petitioners were present at the spot and managed to escape at the sight of the police would stand to be decided in the trial and at this stage, no such view can be taken in that matter. He however does not dispute the position that the Petitioners being the associates have been arrested after sometime on the strength of NBW.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioners with other surrounding circumstances including the period of detention of the Petitioners in custody and on going through the order passed by the learned Special Judge; in the absence of any such impediment; it is directed that the Petitioners be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that they will appear in person before the Court in seisin of the case on each date of

posting of the case without fail; and will not indulge themselves in commission of similar type of offences.

6. The BLAPL is accordingly disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25<sup>th</sup> March, 2020 as modified by Court's Notice No.4798 dated 15<sup>th</sup> April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7<sup>th</sup> January, 2022.

Narayan

