

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9855 of 2022

Sata Nag

.... ***Petitioner***
Mr. S. Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.08.2022

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.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with Special (NDPS) Case No.23 of 2022, arising out of Kantamal P.S. Case No.81 of 2022 pending in the court of learned Additional District and Sessions Judge-cum-Special Judge, Kantamal for commission of offence punishable under Section 20(b)(ii)(b) of the N.D.P.S. Act.
5. It is submitted by learned counsel for the petitioner that the petitioner has not named in the F.I.R and on the basis of the confessional statement of the co-accused, the petitioner has been falsely implicated in the present case. It is further submitted by learned counsel for the petitioner that the vehicle, which was used

for the offence the same was in the name of the petitioner as registered owner. Neither the contraband articles were seized from the conscious and exclusive possession of the petitioner nor she was arrested at the spot.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, she shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge