

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6924 of 2021

Kumari Behera

.... ***Petitioner***
Mr.B.R.Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr.B.R.Das, learned counsel for the Petitioner as well as Mr.K.K.Nayak, learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with T.R.Case No. 189 of 2021 pending in the Court of the learned Sessions Judge, Khurda at Bhubaneswar corresponding to Bharatpur P.S.Case No.123 of 2021 for commission of the alleged offences under Sections 20 (b) (ii) C of the N.D.P.S. Act.
4. The prosecution case in brief is that on 08.04.2021 on the direction of the I.I.C., Bharatpur P.S., Manas Ranjan Mallick, S.I. of Police along with staff went to the spot i.e. rented house at Plot No.5540 near Apeejay School, Ghatikia where three female and two male persons were inside the rented house and they were possessing huge quantity of ganja.. They found all the five persons were sitting

over five nos. of jari bags in entrance room of the rented house. Then the S.I. opened the jari basta of the present petitioner and on weighment it came to 21 kg 500 grams. After observing all the formalities the accused persons were arrested.

5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 08.04.2021 and after completion of investigation charge sheet has been submitted against the Petitioner along with others. He also submits that the contraband ganja was not seized from the exclusive and conscious possession of the Petitioner. Further since the Petitioner is a permanent resident of Ganjam district, there is no chance of absconding or fleeing away from the hands of justice and in the event the Petitioner is released on bail, she shall abide by any terms and conditions that will be imposed by this Court and shall cooperate with the trial.

6. Learned counsel for the State on the other hand submits that case of illegal trafficking of contraband ganja is increasing rapidly in the State of Odisha. Further, in the event the Petitioner will be released on bail, he may not cooperate with the trial and she may abscond from justice. Accordingly, he prays for rejection of the bail application of the Petitioner.

8. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) she shall not indulge in similar nature of offence.
- ii) shall appear before the trial court on each and every

date and shall cooperate for early conclusion of trial.

- iii) shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses.
- iv) shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future.
- v) shall appear before the concerned Police Station once in a week preferably on Sunday between 10 to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

10. 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.

11. With the aforesaid observation the BLAPL stands disposed of.

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

RKS

(A.K. Mohapatra)
Judge