

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10126 of 2022

S.Sabita Patro

Petitioner

....
Mr.Anirudha Das,Advocate

-versus-

State of Odisha

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
10.10.2022**

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, 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(b)(ii)C of N.D.P.S.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is a lady and is the owner of the vehicle which was seized while it was transporting contraband articles. It is submitted by the learned counsel for the Petitioner that the vehicle was transferred much prior to the alleged occurrence. However, the ownership could not be transferred on paper due to some difficulties.

5. Learned Additional Standing Counsel on instruction, submits that the Petitioner is the owner of the vehicle and further the vehicle was transferred to the accused Tapan Kumar. However, he further submits that since the investigation is going on, it is not safe to release the Petitioner on bail.

6. Considering the seriousness of the allegation, gravity of the offence and the fact that the vehicle has already been transferred by the Petitioner and the Petitioner was not apprehended at the spot and nothing was found in the exclusive possession of the Petitioner, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned Additional Sessions Judge-cum-Special Judge, Koraput in T.R. Case No.72 of 2022 arising out of Pottangi P.S. Case No.96 of 2022 within a period of three weeks from today, he shall be released on bail on the same day on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedents of similar nature.

7. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge