

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7302 of 2021

Anguri @ Anguri Devi

.... Petitioner
Mr.S.D.Dash, Advocate

-versus-

State of Odisha

.... Opposite Party
Mr .M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.02.2022

Order No.

4. 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 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Adava P.S.Case No.38 of 2021, corresponding to G.R.Case No.48 of 2021, pending in the Court of the learned Special Judge, Gajapati at Parlakhemundi for alleged commission of offence under Sections 20(b)(ii)(C),25/29 of N.D.P.S. Act, 1985.
4. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
5. Learned counsel for the Petitioner submits that the Petitioner along with her two kids were travelling in the vehicle as gratuitous passenger. He further submits that the Petitioner is a migrated person, who is doing small business in the locality. Whatever she earns from

her small business, she sustained her family. On the fateful day, they travelled in the vehicle which was seized by the Police. As such she had no knowledge that contraband ganja was transported in the vehicle which was kept in the dala of the vehicle. The Petitioner is sitting in the cabin of the vehicle along with her two kids. He further submits that since the Petitioner had no knowledge and she was a gratuitous passenger, the bar under section 37 of the NDPS Act is not attracted. He further submits that the driver of the vehicle and another person who were present, they were probably carrying contraband articles which was not within the knowledge of the Petitioner.

6. Learned counsel for the State submits that the Petitioner was arrested from the spot and was sitting in vehicle along with her two kids. Contraband articles were recovered from the vehicle. He further submits that people like the Petitioner are being used for selling contraband ganja. Therefore, it is submitted by the learned counsel for the State that the bail application of the Petitioner be rejected.

7. Having heard leaned counsel for the respective parties and keeping in view the fact that the Petitioner is a poor lady, who was travelling as a gratuitous passenger with her two kids, custodial detention of the Petitioner since 04.03.2021 and the nature and gravity of the offence, I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) the Petitioner shall not indulge in such type of offence while on bail;
- ii) shall appear before the concerned Police Station once in a week between 10 A.M. and 1 P.M. till completion of

trial.

- iii) shall not leave the local jurisdiction of the trial court without specific permission of the trial court;
- iv) shall appear before the trial court on each and every date of trial of the case till conclusion of the trial.

8. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

9. 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.

10. The BLAPL is accordingly disposed of.

11. Issue urgent certified copy of this order as per Rules.

RKS

