

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8085 of 2021

Banki Suansia

.... ***Petitioner***
Mr.L.Achari, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the 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 her on regular bail in connection with 2(a) C.C.Case No.42 of 2021 (N) pending in the Court of the learned Special Judge-cum-2nd Additional Sessions Judge, Berhampur for commission of an alleged offence under Section 21(b)(ii)(C) of N.D.P.S.Act..
4. The prosecution case as revealed from the F.I.R. is that the While Inspector of Excise EI and EB (SD) Unit-II, Berhampur along with his staff were performing patrolling duty on the village road of Radhadeipur under Pattapur Police Station, they found the present Petitioner standing by the side of the village road waiting for a vehicle carrying two jerry bags containing some articles in a suspicious manner. The Inspector intercepted and detained her, searched the jerry

basta and found each jerry basta weighed 25 kg. Accordingly he seized the same and prepared seizure list and registered a case against the Petitioner.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner, who is an old lady is in custody since 08.07.2021. Further it is submitted by the learned counsel for the Petitioner that charge sheet has been submitted in this case. It is also submitted that considering the fact that the Petitioner is a lady it is quite unbelievable that she is carrying 50 kg. of ganja. He also submits that the contraband ganja was recovered and seized from the road where the petitioner was standing. It is further submitted by the learned counsel for the Petitioner that the Petitioner is an old lady and permanent resident of her village Radhadeipur under Pattapur Police Station, there is no chance of her absconding and in the event of her release, she will appear before the trial court and shall not indulge in such offence in future.

6. Learned counsel for the State on the other hand opposes the prayer for bail and submits that such type of cases are rising every day in the locality and no leniency should be shown to the Petitioner while considering the prayer for bail of the Petitioner. Accordingly, her prayer for bail should be rejected.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the Petitioner is an old lady and that there is no allegation of criminal antecedents of similar nature against the Petitioner and further considering the fact that contraband ganja was seized from the side of the road where the petitioner is waiting for a vehicle, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid 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 terms and conditions

- i) she shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) Violation of any of the terms and conditions shall entail cancellation of bail.

8. 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 antecedent of similar nature, this bail order shall automatically stands revoked.

9. The Bail Application is accordingly disposed of.

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

RKS

(*A.K. Mohapatra*)
Judge