

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8652 of 2021

Guddi Devi @ Tiwari

....

Petitioner

Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.03.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in T.R. Case No.13 of 2021 arising out of Tikiri P.S. Case No.86 of 2021 pending in the court of learned District and Sessions Judge-cum-Special Judge, Rayagada for commission of offence punishable under Sections 20(b)(ii)(C) of the N.D.P.S. Act.
5. The brief factual backdrop of the case is that on 11.07.202 at about 2.30 P.M. S.I. of Police, Tikiri P.S. along with his team getting reliable information and proceeded to Toaguda Chhak and detained one Mahindra KUV 100 car bearing Registration No.OD-23-#-9420 and apprehended three occupants while the driver managed to escape from the spot and on search 39.100 Kgs. of contraband ganja

contained in a jerry bag was seized against the petitioner under Section 20(b0(ii)(C) of the N.D.P.S. Act, vide Tikiri P.S. Case No.86 of 2021.

6. Learned counsel for the Petitioner submits that the Petitioner is a lady aged about 40 years old and she is in custody since then. He further submits that the Petitioner had no knowledge about the contraband articles were kept in the vehicle and the driver managed to escape from the spot. In that view of that matter, the contraband articles were not recovered from the conscious and exclusive possession of the Petitioner and that she is a permanent residence of the locality and also further submits that the Petitioner does not have any criminal antecedents of similar nature. Moreover, it is submitted that there is no scope for absconding or fleeing away from the hands of the justice.

7. Mr. Mohanty, learned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that illegal trafficking of contraband articles is rising day-by day and no leniency should be shown to the Petitioner or similarly situated persons.

8. Having heard learned counsel for the parties, considering the period of custodial detention of the Petitioner and she is a lady, it is directed that let the Petitioner be released on bail 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 conditions that :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. she shall not tamper with the prosecution evidence

or try to threaten or influence the witnesses in any manner whatsoever;

- III. she shall not make any default in attending the court during trial on each date without fail; and
- IV. she shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

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, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge