

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8695 of 2021

Anamika Digal

....

Petitioner

Mr. Suryakanta Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Manoj Kumar Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

30.03.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Phiringia P.S. Case No.78 of 2020, corresponding to C.T. Case No.51 of 2020, pending in the file of learned Special Judge, Phulbani, for commission of alleged offences under Sections 20(b)(ii)(C)/25/29 of N.D.P.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The case of the prosecution, in a nutshell, on the basis of information received, the IIC of Phiringia P.S. along with his team proceeded to the spot and detected transportation of Ganja by one person who was driving a Maruti Suzuki SX4 car bearing Regd. No.OD-02-F-0312. On thorough search, three

bags were found containing contraband articles (ganja) weighing 102 kgs. and 300 gms. On being asked, the driver of the vehicle disclosed the name of one Bhuyan Digal, who was owner of the said vehicle and another person Anamika Digal, who had told him to unload the articles at Bhubaneswar. Basing on such information, an FIR was lodged against the Petitioner and the driver was arrested and forwarded to the judicial custody.

5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 15.09.2020. The police after completion of investigation submitted charge-sheet against the Petitioner. The further submission was that Petitioner is the driver of the vehicle and he has no knowledge about the contraband articles. Therefore, there is absolutely no prima facie case made out against the Petitioner. It is further submitted that the owner of the vehicle, namely, Bhuyan Digal has been enlarged on bail by this Hon'ble Court vide order dated 22.03.2022 passed in BLAPL No.991 of 2022. In such view of the matter, he prays that Petitioner may be granted bail on such terms and conditions as fixed by this Hon'ble Court.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is submitted that no leniency should be shown to the present Petitioner, who involved in such crime. Accordingly, he prays for rejection of his bail application.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) He shall not involve himself in any similar nature of offence particularly involving the offence under the NDPS Act;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;
- (vii) He shall not leave the jurisdiction of the court without special permission from the court; and
- (viii) Violation of any of the above conditions shall entail cancellation of the bail.

8. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any

additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

9. With the above direction, the BLAPL is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

