

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9486 of 2021

Salma Khatun

....
Petitioner
Mr.A.R. Panda, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr.G.N. Rout, Addl. Standing Counsel

CORAM:
JUSTICE R.K. PATTANAİK

Order No.

ORDER
12.01.2022

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Baghamari P.S. Case No.83 of 2021 corresponding to T.R. Case No.143 of 2021 pending in the court of learned Additional Sessions Judge-cum-Special Judge, under NDPS Act, Khurda on the grounds stated therein.
4. Perused the P.R. as at Annexure-1 and the impugned order dated 11.10.2021 i.e. Annexure-2.
5. Gone through the contents of the P.R.
6. Learned counsel for the petitioner submits that the petitioner is a lady and she was travelling in the auto-rickshaw along with the driver accused, who has been granted bail by order of this Court in BLAPL No.9536 of 2021. It is further submitted that at that point of time, the petitioner was pregnant and was being

carried in the auto-rickshaw which was intercepted by the local police. Considering the fact that other two occupants of the auto-rickshaw admitted of having been in possession of the contraband ganja and transporting the same in the vehicle, as submitted by learned counsel for the petitioner, the present accused, who happens to be the wife of the driver of the auto-rickshaw, should be enlarged on bail with any conditions, which is objected to by the learned counsel for the State by reading a statement of a material witness recorded under Section 161 Cr.P.C. to the effect that she was alleged of being involved in trading of contraband ganja.

7. Admittedly, the contraband substance was recovered from the alleged auto-rickshaw, which is slightly higher than the commercial quantity. As submitted to this Court, the driver accused has been granted bail in BLAPL No.9536 of 2021. The ganja was kept at the backside of the auto-rickshaw in which the petitioner was travelling with two other lady occupants besides the driver. It is informed to this Court that the petitioner does not have any criminal antecedent though alleged of being involved in trading of ganja. The investigation is presently in progress.

8. Having regard to the above facts, considering the submissions of the learned counsel for the respective parties and the fact that the accused driver is on bail vide BLAPL No.9536 of 2021, the Court is of the considered view that the petitioner should as well be released on bail by extending parity.

9. Accordingly, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such

other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

10. The BLAPL is accordingly disposed of.

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge

KC Bisoi

