

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9630 of 2021

Kasturi Bisoi & another

....

Petitioners

Mr. Basudev Pujari, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.05.2022

Order No.

04.

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 him on regular bail in connection with Kodala P.S. Case No.478 of 2021 corresponding to G.R.Case No.50 of 2021(N) — pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Chhatrapur for commission of an alleged offence under Section 20(b)(ii)(C)/25/29 of the N.D.P.S.Act..
4. The Prosecution case as revealed from the F.I.R. in short is that The S.I. of Police, Kodala Police Station on 16.09.2021 on the direction of the I.I.C. of the Police Station, she raided the house of Kabiraj Bisoi who allegedly storing and packaging contraband ganja. Three to four male persons were found escaping. After observing all formalities she arrested the Petitioners and seized 570.550 kgs of ganja from the

house.

5. It is submitted by the learned counsel for the Petitioners that the Petitioners are ladies. He further contends that the Petitioners are languishing in custody since 16.09.2021 and the Investigating Agency after completion of investigation submitted charge sheet in the case. It is also submitted by the learned counsel for the Petitioners that the contraband articles no-doubt seized from the residential house of the Petitioners. However, the Petitioners being the lady members of the house they have no say in the matter. It is further contended that at the time when the Police raided the house, the male members of the family fled away from the house. These two Petitioners as lady members of the family could not run away as they were to take care of the family and remained to see what was happening. It is further submitted by the learned counsel for the Petitioners that the contraband articles were seized from the godown attached to the house. It is not within the exclusive knowledge of the Petitioners. It is further submitted by the learned counsel for the Petitioners that since the Petitioners are the ladies and permanent residents of their locality, there is no question of absconding or fleeing from the hands of justice and in the event of their release on bail they undertake to appear before the trial court on each date of posting.

6. Learned counsel for the State on the other hand opposes the prayer for bail and submits that the nature of allegations are very serious and he further contends that such type of cases are rising every day in the locality and no leniency should be shown to the Petitioners while considering the prayer for bail of the Petitioners. However he submits that in the event of their release, stringent conditions may be imposed on the Petitioners.

7. Having heard learned counsel for the parties and considering the surrounding circumstance of the present case and the fact that the

Petitioners are lady members of the house and further taking into consideration the period of custodial detention and that the possibility of early trial at this juncture is bleak, this court is inclined to grant bail to the Petitioners and it is directed that let each of the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) they 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 trial court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioners are subject to the condition that learned court below shall verify whether the Petitioners have any criminal antecedents of similar nature. In the event it is found that the Petitioners have any criminal antecedents 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.

