

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9333 of 2020

Sodi Ganga

.... ***Petitioner***
Ms. Babita Sahu, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.09.2022

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.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 5. The petitioner is an accused in T.R. Case No.146 of 2020 arising out of Orkel P.S. No.199 of 2020 pending in the court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
 6. The brief factual backdrop of the case is that while performing patrolling duty on 16.11.2020 at 7.00 P.M. near canal bridge of Kotapalli village, the police party noticed that some 7 to 8 'Kaudias' were coming towards them via canal bridge carrying 'kaudi' (balance stick) on their shoulder. Police conducted raid on them and managed to apprehend only two persons and due to darkness all other persons fled away leaving their balance stick at the spot. On

being asked to the apprehended accused persons, they confessed about transporting the contraband ganja from Ghati area of Chitrakonda by 'Kaudi'.

7. It is submitted by learned counsel for the petitioner that the petitioner is taking 'kaudi' along with others for pilgrim of Lord Siba Temple in the month of "Sharabana". On raiding by police party, it was found carrying 16 Kgs. 100 grams each side in toto it comes 32 Kgs. 200 grams of contraband ganja was recovered from the conscious possession of the present petitioner. Further it is submitted by learned counsel for the petitioner that the petitioner is in custody since 16.11.2020 and charge-sheet has been submitted. Further, he submits that there is no chance of absconding or fleeing away from the hands of justice and in the event of release, the petitioner will appear before the trial court on each date of posting of the case and shall abide by terms and conditions that may be imposed by this Court.

8. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that innocence of the petitioner can only be established during trial. Further, it is submitted that the illegal trafficking of contraband articles are rising day-by-day in the State of Odisha and no leniency should be shown to the petitioner or any other accused found guilty in such offences. He further submits that the husband of the petitioner, who was also travelling with the present petitioner, has also been arrested and he is custody. In such view of the matter, learned counsel for the State urges that the bail application of the petitioner may be rejected at this juncture.

9. Having heard learned counsel for the parties and upon perusal of the case diary as well as materials placed on record and taking into consideration the facts and circumstances of the present case and

the nature and gravity of the alleged offence, I am inclined to release the petitioner on bail and it is directed that let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.30,000/-(Rupees thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. Further, learned court in seisin over the matter is at liberty to impose any other conditions as would be deemed just and proper. However, while fixing the terms and conditions, the court in seisin over the matter shall ensure that the appropriate conditions are imposed for attendance of the accused at the time of trial.

10. With the aforesaid observations, the Bail Application stands disposed of.

11. The Bail Application is accordingly disposed of.

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

