



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.859 of 2025

Siba Dipa @ Shiba Deepa

....

Petitioner

Mr. A. Das, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K. Ray, AGA

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

25.03.2025

Order
No.
03.

1. Heard learned counsel for the petitioner and State.
2. Instant petition under Section 483 BNSS is filed for release of the petitioner on bail in connection with C.T. Case No.111 of 2015 pending in the file of learned District and Sessions Judge-cum-Special Judge, Boudh corresponding to Boudh P.S. Case No.58 of 2015 on the grounds stated.
3. Perused the FIR as at Annexure-1 and rejection order i.e. Annexure-3.
4. Mr. Das, learned counsel for the petitioner submits that the petitioner has been implicated on the ground of suspicion with a claim that some persons, present near the spot, wherefrom, the alleged bags were recovered and seized with contraband Ganja, seen by the police party managed to flee. Mr. Das, learned counsel for the petitioner refers to the FIR as at Annexure-1 to submit that there is no any revelation regarding presence of any one near the spot at the time when the police party reached there but subsequently, with the alleged claim regarding involvement of the



petitioner and co-accused, he was arrested and is in custody from 17th January, 2025. The further submission is that in the meantime, upon closure of investigation, the chargesheet is filed and in such view of the matter and absence of any direct link or evidence showing involvement of the petitioner vis-à-vis the recovery and seizure of Ganja, he should be allowed go on bail with any conditions, which is strongly objected to by Mr. Ray, learned AGA for the State on the ground that it relates to recovery of commercial quantity of contraband Ganja. The further submission is that the witnesses examined during investigation in terms of Section 161 Cr.P.C. alleged the involvement of the petitioner. It is claimed that the name of the witnesses examined during investigation accompanied the police party and had been to the spot identified the petitioner and the co-accused, hence, therefore, such involvement, since prima facie proved with the alleged recovery, the petitioner should not be granted bail.

5. The chargesheet was filed showing the petitioner as an absconder and according to Mr. Ray, learned AGA, it was about nine years back. Further, upon a reading of the FIR i.e. Annexure-1, the Court does not find anywhere with regard to involvement of independent witnesses examined during investigation for them having accompanied the police party to the spot. In fact, referring to the statements of such witnesses, the presence of the petitioner near the spot is alleged. As earlier stated, it has not been described in the FIR regarding presence of independent witnesses during the time of recovery and seizure and during such time, anyone ever identified the petitioner to be present there. In fact, the report suggests that upon receiving reliable information, the police party reached the hill side area. With the further claim that the air bags were found behind the house of the petitioner but without any such evidence being revealed in the FIR, the Court, for the facts described



herein before, is of the view that the petitioner, with the closure of investigation and filing of the chargesheet, should be allowed to go on bail. In other words, the petitioner though has been alleged and is one of the accused persons, against whom, the chargesheet is filed, a copy of which is at Annexure-2 series but in view of the narration as above and his implication subsequent to the lodging of FIR with the claim that he was found near the spot identified by some of the witnesses, the fact which is not revealed therein, the Court is inclined to grant him bail with following conditions.

6. Accordingly, it is ordered.

7. In the result, the petition under Section 483 BNSS stands allowed. Consequently, the petitioner is directed to be released on bail in connection with C.T. Case No.111 of 2015 arising out of Boudh P.S. Case No.58 of 2015 subject to him furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned District and Sessions Judge-cum- Special Judge, Boudh, who shall impose such other suitable conditions as deemed just and proper in the facts and circumstances of case besides the following, such as, he shall attend the enquiry and trial on each date of posting without fail and to furnish an undertaking not to be involved in any such criminal activities, after being released.

8. The BLAPL is disposed of.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge



TUDU

Signature Not Verified

Digitally Signed
Signed by: THAKURDAS TUDU
Reason: Authentication
Location: OHC, CTC
Date: 26-Mar-2025 12:20:53

