



IN THE HIGH COURT OF ORISSA AT CUTTACK

Budhei Digal and another
(In BLAPL No.10087 of 2024)
Dhanajaya Soni
(In BLAPL No.10130 of 2024) ...

Petitioners

Mr. A. Tripathy, Advocate
(in BLAPL No.10087 of 2024)
Mr. B.B. Rout, Advocate
(in BLAPL No.10130 of 2024)

-versus-

State of Orissa

... ***Opposite Party***

Mr. S.K. Rout, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
30.04.2025

Order No.
06.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Since these two bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.
3. These are the bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Balliguda PS Case No.143 of 2024 corresponding to CT Case No.130 of 2024 pending in the file of learned Special Judge-Cum-Additional District & Sessions Judge, Balliguda, for commission of offences punishable U/Ss.20(b)(ii)(C)/25 of NDPS Act, on the allegation of transporting 62Kgs 300Grams of Contraband Ganja in a



Ford Car bearing Regd. No.OD-05-P-8688, along with co-accused persons.

4. Heard, Mr. Amitav Tripathy, learned counsel for the petitioners in BLAPL No.10087 of 2024; Mr. Bibhuti Bhusan Rout, learned counsel for the petitioner in BLAPL No.10130 of 2024 and Mr. S.K. Rout, learned Additional Public Prosecutor in the matter and perused the record.

5. Admittedly, the petitioners in BLAPL No.10087 of 2024 are ladies and they have been detained in custody since 22.06.2024. In the meantime, charge-sheet has already been submitted, but it is not known as to when the trial will commence and when it would be concluded. Further, no criminal antecedent has been reported against any of the petitioners. The materials on record discloses about transportation of Contraband Ganja in a Car, but fact remains that whether the petitioners are transporting such Contraband Ganja is a question of fact which can be decided in the trial after full-fledged evidence is being led. The quantity of Contraband Ganja recovered in this case is commercial in nature and, thereby, the provision of Section 37 of NDPS Act may ordinarily be attracted. In the peculiar facts and circumstance of the case, this Court considers that the condition of Section 37 of NDPS Act may be dispensed with at this stage for the petitioners.

6. For the reason stated hereinabove and regard being had to the pre trial detention of the petitioners in custody and the status of the petitioners in BLAPL



No.10087 of 2024 as ladies, this Court without expressing any view on merits admits the petitioners to bail.

7. Hence, these two bail applications of the petitioners namely Budhei Digal & Rasmita Nayak in BLAPL No.10087 of 2024 and Dhanajaya Soni in BLAPL No.10130 of 2024 are allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

(i) the petitioners shall not commit any offence while on bail,

*(ii) the petitioners in the course of trial shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with. **In case the Petitioners fail without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioners for offence U/S.269 of BNS, 2023 in accordance with law,***

(iii) the petitioners shall not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case by intimating their present address of stay to the concerned Court and

(iv) the petitioners shall report attendance before the jurisdictional Police Station once in a fortnight preferably on a Sunday in each month in between 10 A.M. to 12 Noon



for six(06) months from the actual date of their release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioners unnecessarily after recording their attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioners in future any offence under NDPS Act on prima facie accusations may be treated as a ground for cancellation of bail in this case.

8. Accordingly, these BLAPL Nos.10087 and 10130 of 2024 stand disposed of.

9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

Signature Not Verified

Digitally Signed
Signed by: SUBHASHMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 01-May-2025 17:45:03

