

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.87 of 2022

Smt. Kamala@Kamala Devi

....

Petitioner

Mr. S.S. Ray-2, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. B. Panigrahi, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

03.08.2022

Order No.

02.

1. This is an application under Sec.439 Cr.P.C. for bail and the offence alleged is under Sec.20(b)(ii)(C) of the NDPS Act for alleged possession of contraband ganja weighing 26.8 kg.

2. Heard Mr. S.S. Ray-2, learned counsel for the Petitioner as well as Mr. B. Panigrahi, learned A.S.C. for the State-Opposite Party. Learned counsel for the Petitioner is permitted to correct the case number in the cause title in Court.

3. After hearing Mr. B. Panigrahi, learned Additional Standing Counsel for the State-Opposite Party, I am not inclined to release the Petitioner on bail keeping in view the embargo contained in Section 37(1)(b) of the NDPS Act. The prayer for bail is rejected.

4. However, it is submitted on behalf of the Petitioner that she is a woman and inside custody since 9.11.2020 and till date no witness has been examined though charge has been framed.

5. Thus considering long period of detention of the Petitioner inside custody and slow progress in trial, it is directed to release

the Petitioner on interim bail for a period of three months from the date of her release in connection with Bhubaneswar P.S. Case No.104/2020 corresponding to T.R. Case No.37/438 of 2021/2020 on such terms and conditions to be fixed by learned 2nd Additional Sessions Judge, Bhubaneswar or the court in seisin over the matter as he deems just and proper including the condition that the Petitioner shall furnish two sureties (with proper identity proof) out of which one shall be her relative and that, she shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

6. It is made clear that the Petitioner shall surrender in the trial court on or before 9th November, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend her.

7. The BLAPL is disposed of.

8. An urgent certified copy of this order be granted on proper application.

(**B.P. Routray**)
Judge