

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 607 of 2022

Mahatari Majhi

....

Petitioner

Mr. A.R. Panda,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.A. Pradhan,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

28.02.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 04.01.2022 in connection with Khajuriapada P.S. Case No.1/2022 corresponding to C.T. Case No.2/2022 pending in the court of learned Sessions Judge-cum-Special Judge, Phulbani, for the alleged commission of the offence under Sections 20(b)(ii)(C) of the N.D.P.S. Act.

4. The prosecution allegation is that upon receipt of reliable information regarding transportation of ganja in a Bus, the staff of Kandhamal P.S. stopped the Bus and conducted a raid in course of which they found a plastic jerry bag kept in the back side seat of the Bus in a concealed manner which emitted a pungent smell like ganja. Three women including the present Petitioner were passengers in the said Bus and are said to have confessed that they were transporting ganja in the said jerry bag.

5. It is submitted by learned counsel for the Petitioner that except for the so called confessional statement, there is no material to show that the ganja was seized from the possession of the Petitioner.

6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that since three women including the present Petitioner have confessed, it proves the prosecution case.

7. Considering the submissions made, the materials on record and the fact that the entire case appears to be based upon the confessional statement of three women including the present Petitioner and the fact that nothing was actually seized from the exclusive and conscious possession of the Petitioner, I am inclined to allow the prayer for bail.

8. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the

matter in the aforesaid case including the condition that she shall appear before the trial court on each date of posting of the case without fail.

9. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge



B.C. Tudu