

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.905 of 2022

Anita Devi

....

Petitioner

Mr. Sakti Prasad Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

28.9.2022

Order No.

- 01.
1. The matter is taken up through hybrid mode.
 2. It is submitted by Mr. S.P. Das, learned counsel that he has filed power on behalf of the Petitioner with consent.
 3. Heard Mr. S.P. Das, learned counsel for the Petitioner and Mr. K.K. Das, learned Additional Standing Counsel.
 4. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Anita Devi in connection with Bhubaneswar P.S. Case No.104 of 2020 corresponding to T.R. Case No.37/438 of 2021/2020 pending in the court of learned 2nd Additional Sessions Judge, Bhubaneswar for alleged commission of offence under Section 20(b)(ii)(c) of the N.D.P.S. Act for alleged possession of contraband ganja weighing about 26 kg. 800 grams.
 5. It is submitted on behalf of the Petitioner that he is inside custody since 10th November, 2020 and the trial is still pending.

6. Upon hearing Mr. Das, learned Additional Standing Counsel for State and keeping in view the total quantity of contraband ganja which attracts commercial quantity and the embargo contained under Section 37(1)(b) of the NDPS Act, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

7. However, considering the period of detention of the Petitioner inside custody and slow progress of trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release on such terms and conditions as may be deemed just and proper by the learned court in seisin over the matter including the conditions that the Petitioner shall furnish two sureties (with proper identity proof) out of whom one shall be his relative and that, he shall not be involved in any other offence while on bail.

8. It is made clear that the Petitioner shall surrender on or before 3rd January, 2023, failing which learned court below shall take all appropriate steps including issuance of NBW of Arrest to apprehend the Petitioner.

9. The BLAPL is accordingly disposed of.

10. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda