

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2229 OF 2021

Pani Hazada

..... ***Petitioner***
Ms. Babita Sahu, Advocate

-versus-

State of Odisha

..... ***Opposite Party***
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
10.05.2022

Order No.
07.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No. 108 of 2021 corresponding Bharatpur P.S. Case No. 58 of 2021, pending on the file of the learned Sessions Judge, Khurda, Bhubaneswar for the alleged commission of offence under Sections-20(b)(ii)(C) of the NDPS Act and the petitioner is in custody since 23.02.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Khurda, Bhubaneswar by Order dtd. 09.03.2021 in T.R. No.108 of 2021, the present BLAPL has been filed.

4. Heard Ms. Babita Sahu, learned Counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner submits that from the manner of seizure, the conscious and exclusive possession cannot be attributable to her.

It is also submitted that, since the petitioner is a lady, she is entitled to the benefit under Section 437 (1) Proviso.

6. It is further submitted that, though the petitioner is in custody since 23.02.2021, there has been no progress in the trial and hence further detention of the accused is not warranted as investigation has already been concluded.

7. Learned counsel for the State relying on the bar contained under Section-37 of the NDPS Act submits that, the bail application of the petitioner is liable to be rejected.

8. Taking into account that the petitioner is a lady, the amount of contraband, the manner of seizure and taking note of fact that, there has been no substantial progress in the trial, this Court directs that, the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin of the matter, including the conditions that, the petitioner shall furnish cash security to the tune of Rs. 50,000/-(Rupees Fifty Thousand) and the petitioner shall appear before the jurisdictional Police Station once in every month.

9. The BLAPL thus stands disposed of.
10. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*

