

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5199 of 2022

Jhuni Dalei @ Jhunu Dalei ***Petitioner***

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.07.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in Special G.R. (NDPS) No.31 of 2022, pending on the files of learned Additional Sessions Judge-cum-Special Judge, Jajpur Road, arising out of Panikoili P.S. Case No.103 of 2022, under Sections 20(b)(ii)(C) and 29 of the N.D.P.S. Act and is in custody since 10.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Jajpur, by order dated 28.05.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner relying on the seizure list at Annexure-2 submits that the same specifically states that the contraband was seized not from the petitioner but from the co-accused Dhusasan Dalai and Biki Singh. Such statement is not disputed by the learned counsel for the States with his usual fairness.

6. It is stated by the learned counsel for the Stated that release of the petitioner at this stage will affect the ongoing investigation.

7. Considering that the petitioner is a lady and the submissions of the learned counsel for the petitioner that she is blessed with three children, and considering the specific mention in the seizure list regarding non seizure of contraband from petitioner, this Court is of the prima facie opinion that conscious exclusive possession cannot be attributed to the petitioner so as to attract the bar under Section 37 of the NDPS Act, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per the rules.

Santoshi

