

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5604 of 2022

Bandana Swain

....

Petitioner

Mr. S. Harichandan, Advocate

- Versus -

State of Odisha

....

Opp. Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.08.2022

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 01.10.2021 in connection with Kujang P.S. Case No.342 of 2021 corresponding to Spl. G.R. Case No.62 of 2021 pending in the Court of learned Addl. District & Sessions Judge, Kujang for the alleged commission of offence under Sections 21(b)/21(c)/29(1) of NDPS Act.
4. From the charge sheet, it appears that the petitioner was implicated entirely on the basis of the statement of the co-accused, Arun Kumar Sahoo. There is no other material to show his complicity in the occurrence.
5. It is alleged that the petitioner was apprehended while in possession of brown sugar weighing 255 grams. The other co-accused persons, who were also found to be possessing brown sugar, though of lesser quantity, have since been released on bail as per order passed by this Court in BLAPL No. 4445 of 2022.
6. It is submitted that the statutory formality relating to search and seizure has not been followed. Moreover, the mode of weighment of the contraband article is also doubtful.

7. Considering the above facts, and the period of detention in custody as also taking into account the fact that the petitioner is a lady having a three years old child, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that she shall personally appear before the trial Court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

