

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 4722 OF 2021

***Laxmipriya Gochhayat @
Laxmipriya Gochikar***

..... ***Petitioner***
Mr. J.Sahoo, Adv.

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
07.04.2022

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with District Mobile Puri P.R. No. 161/2018-21 corresponding to T.R. Case No. 12 of 2021 on the file of learned Special Judge, Puri, registered for the alleged commission of offence under Sections 21(b)(ii)(C) of the NDPS Act.
4. Being aggrieved by the rejection of her application for bail U/s 439 Cr.P.C. by the learned Special Judge, Puri by order dated 22.03.2021, the present BLAPL has been filed.
5. Learned counsel for the State submits that she is in custody since 8.03.2021 and from the quantity of Ganja, wrong weighment cannot be ruled out so as to bring it within the fold of u/s. 37 of the NDPS Act. It is further stated since the petitioner is

a lady, she is entitled to special consideration as envisaged under Section 437(1) of the Cr.P.C.

6. Learned counsel for the State opposes the move and submits that in view of the bar under Section 37 of the NDPS Act, the petitioner cannot claim the benefit of Section 437(1) Cr.P.C.

7. Keeping in view the quantity of Ganja seized and the contention of wrong weighment so as to bring it within the purview of exceeding the permissible quantity cannot be readily rejected at this stage.

8. Taking into account that the petitioner is in custody since 8.3.2021 and that she is a lady, this Court directs that the Petitioner to be released on bail in the above noted case on such terms to be fixed by the court in seisin of the matter

9. Accordingly, the BLAPL stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

सन्धिमेव जयते

(V.Narasimha)
Judge

Dhal