

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5934 of 2022

Sakuntala Devi @ Sonam Saxena ***Petitioner***
Mr. A.K.Das, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P.K.Patnaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
12.12.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with Kesinga P.S. Case No.216 of 2022 corresponding to C.T. Case No.34 of 2022(NDPS) pending in the Court of learned Special Judge, Kalahandi for commission of offences punishable under Sections 279/337/338 of IPC read with Section 20(b)(ii)(C) of NDPS Act on the allegation of transporting 30 Kgs of contraband Ganja.
 3. In the course of hearing of the bail application, Mr. A.K.Das, learned counsel for the petitioner submits that the petitioner- Sakuntala Devi @ Sonam Saxena has no role in transporting the Ganja and the only allegation appearing against the petitioner is her relationship with co-accused-Rahul Kumar Verma and she was not

in exclusive possession of contraband Ganja. It is further submitted that the petitioner was on interim bail and she had surrendered to the custody after availing the interim bail and thereby the petitioner having not misused the liberty and her status being a lady as well as she being detained in judicial custody since 31.05.2022 may kindly be enlarged on bail.

4. On the other hand, Mr. P.K.Patnaik, learned Additional Government Advocate submits that the petitioner having found in possession of contraband Ganja may not be released on bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner and keeping in view her status as a woman and taking into consideration the specific allegation against the petitioner to be the girl friend of the co-accused- Rahul Kumar Verma and the alleged role played by her in this case and regard being had to the pre-trial detention of the petitioner and keeping in mind the implication of the petitioner in this case on the basis of her confession before the informant police officer and taking into account the conduct of the petitioner in voluntarily surrendering before the Court after availing the interim bail, this Court admits the petitioner to bail.

6. Hence, the prayer for bail of the petitioner stands allowed and the petitioner- Sakuntala Devi @ Sonam Saxena is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless her attendance is dispensed with and that she shall not leave the jurisdiction of the trial

Court without prior permission till disposal of the case and that the petitioner shall report attendance before the jurisdictional Police Station once in a month preferably on a Sunday for three months in between 10 A.M. to 12 Noon. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording her attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

07. Accordingly, the BLAPL stands disposed of.
08. Issue urgent certified copy of the order as per Rules.

Kishore

