

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6658 of 2022

Sailendri Padhy

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.10.2022

Order No.

03.

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 2(a)CC Case No.51 of 2022(N), pending in the file of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur, arising out of P.R. Case No.228 of 2022-23 of Inspector of Excise of EI and EB (ST) Unit-2, Berhampur, offence under Sections 20(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 Sessions Judge-cum-Special Judge, Ganjam, Berhampur by order dated 22.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that petitioner is a lady is in custody since 07.06.2022 and in the meanwhile final P.R. has been submitted. Hence, he seeks for release of the petitioner on bail.

6. It is submitted by the learned counsel for the petitioner that petitioner was one of the passengers in Auto from which the contraband was seized. It is further submitted that from the manner in which the seizure has been affect conscious exclusive possession cannot be attributed to the petitioner so as to warrant the application of the bar under Section 37 of the NDPs Act.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground of bar envisaged under Section 37 of the NDPS Act and also that the petitioner is a outsider, hence her presence cannot be ensure during the trial.

8. On a conspectus of materials on record and taking into account that the petitioner is a lady of 64 years, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Additionally, it is directed that the petitioner shall not leave the jurisdiction of the Court in seisin over the matter without permission of the Court in seisin.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge