

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7819 of 2022

Barsha Das

....

Petitioner

Mr. B. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

Order No.

02.

I.A No.1965 of 2022

1. This matter is taken up through hybrid mode.
2. Learned counsel for the Petitioner does not want to press this I.A for interim bail.
3. Accordingly, the I.A stands disposed of as not pressed.

(V. NARASINGH)
Judge

BLAPL No.7819 of 2022

03. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in 2(a)CC Case No.46 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Cuttack, arising out of P.R No.48 of 2022-23, for commission of offence under Section 21(b) of the N.D.P.S. Act and is in custody since 23.07.2022.

3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Cuttack by order dated 27.07.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel for the Petitioner that final P.R has been submitted on 27.10.2022 and the contraband (brown sugar) is to the tune of 35 grms., which is admittedly less than the commercial quantity. It is further submitted that the Petitioner does not have any criminal antecedent. Hence, she may be released on bail. The final P.R. filed in Court today be kept on record.

5. Learned counsel for the State opposes the prayer for bail of the Petitioner.

6. Taking into account that the Petitioner is a first offender and that she is a lady, this Court keeping in view the first proviso to Section 437(1) Cr.P.C. is persuaded to direct the release of the Petitioner on such terms to be fixed by the learned court in seisin over the matter.

7. Learned Court in seisin over the matter shall also verify the criminal antecedents of similar nature. If it comes to the fore that the Petitioner has any such criminal antecedent, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS