

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8102 of 2022

Rina Jena

....

Petitioner

Mr. S. Ahmed, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with T.R. Case No.241 of 2022, pending in the Court of the learned District & Sessions Judge, Khordha at Bhubaneswar, arising out of Khandagiri P.S. Case No.322 dated 19.06.2022, for alleged commission of offences under Section 21(b) of NDPS Act.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Khordha at Bhubaneswar, by order dated 18.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is accused of possessing contraband to the tune of 11gms (Brown Sugar), which is less than the commercial quantity and as charge-sheet has been filed on 11.08.2022, further continuance of the petitioner in custody is unwarranted.

5. It is also submitted that the petitioner's son had met with an accident and requires further surgical intervention.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has criminal antecedent of similar nature.

7. Considering that the petitioner is a lady and her son is facing imminent brain surgery, this Court directs the petitioner to be released on bail on terms to be fixed by the learned Court in seisin.

8. Before releasing, learned Court in seisin shall verify the quantity of contraband qua the criminal antecedent of the petitioner. If the same is more than the commercial quantity, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha

