

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9287 of 2022

Jhili Sahu

....

Petitioner

Mr. D. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
01.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. Spcl NDPS Case No.16 of 2022, pending in the file of learned Additional Special Judge Talcher, arising out of Excise Talcher Range P.R. Case No.63 of 2022, for commission of alleged offences under Sections 21(b) of the NDPS Act.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Special Judge, Talcher by order dated 15.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 14.09.2022 and final P.R. has been submitted on 12.11.2022 which is taken on record.
5. It is also submitted that the contraband (brown sugar) seized being to the tune of 142 gms which is admittedly less than

commercial quantity and petitioner being the first offender, further continuance of the petitioner in custody is not warranted.

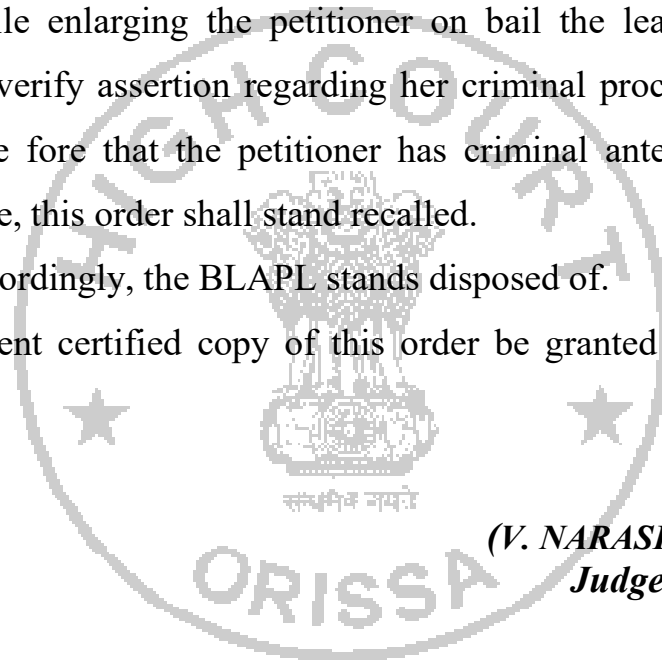
6. Learned counsel for the State opposes the prayer for bail.

7. Taking into account the submission of the learned counsel for the petitioner that she is a lady and keeping in view the provisions as under the first Proviso to Section 437(1) of Cr.P.C., and that she is blessed with a child of 3years old, 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.

8. While enlarging the petitioner on bail the learned court below shall verify assertion regarding her criminal proclivity. If it comes to the fore that the petitioner has criminal antecedents of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi