

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9345 of 2022

Lily Nandi

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.11.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with T.R Case No.81 of 2022, pending in the file of the learned 1st Additional Sessions Judge-cum-Special Judge, under NDPS Act, Khurda, arising out of P.R. Case No.72 of 2022-23 dated 07.09.2022, for commission of offences under Section 21(b) of NDPS Act.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Special Judge, under NDPS Act, Khurda, by order dated 09.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 07.09.2022 and in the meanwhile P.R. has been submitted and in fact by order dated 01.11.2022, the learned Special

Judge has taken cognizance. Hence, further continuance of the petitioner in custody is unwarranted more so when the petitioner is a lady and the quantity seized is less than the commercial quantity being 14gms of Heroin.

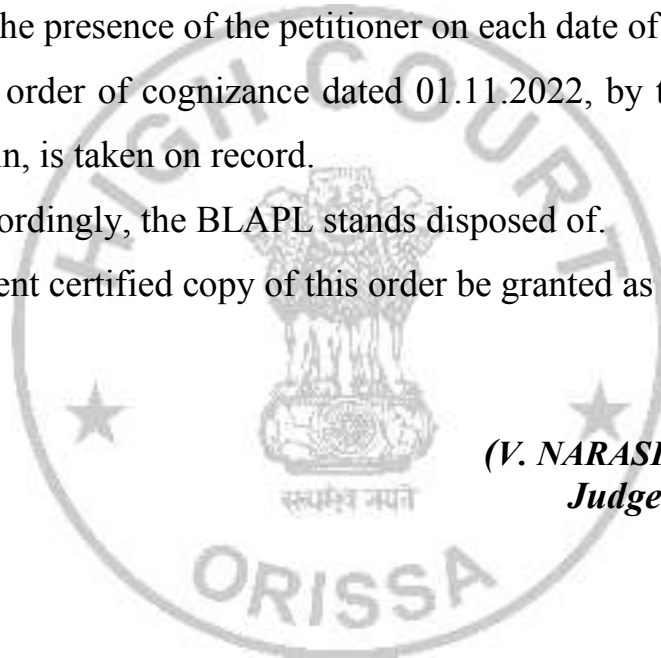
6. Considering the submission and filing of the P.R. and the quantity involved and also keeping in view the proviso to Section 437(1) of Cr.P.C., this Court directs the petitioner to be released on bail.

7. Learned Court in seisin over the matter to fix the terms so as to ensure the presence of the petitioner on each date of trial.

8. The order of cognizance dated 01.11.2022, by the learned Court in seisin, is taken on record.

9. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Ayesha