

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9493 of 2022

Hena Majhi @ Heena Majhi

Petitioner

Ms. A. Mehta, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.11.2022

Order No.

02.

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 T.R. Case No.363 of 2022, pending in the file of learned Special Judge, under NDPS Act-cum-Sessions Judge, Khurda at Bhubaneswar, arising out of Badagada P.S. Case No.317 of 2022, for commission of alleged offences under Sections 21(b)/25/29 of the NDPS Act.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned District and Sessions Judge, Khurda At-Bhubaneswar by order dated 16.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by Ms. Mehta, learned counsel for the petitioner, on instruction, that charge sheet has been filed on 14.11.2022 and petitioner is in custody since 14.09.2022.
6. It is further submitted by the learned counsel for the petitioner that the total contraband (Brown Sugar) seized is to the tune of 60 gms and actual seizure from the petitioner is to the tune

of 21 gms. Hence, admittedly the same being less than commercial quantity and the petitioner being a first offender, further continuance of the petitioner in custody is not warranted.

7. Learned counsel for the State while not disputing that the total quantity is less than commercial quantity as prescribed, yet submits that at this stage it is not permissible to bifurcate the total contraband as claimed.

8. Taking into account the filing of charge sheet, as submitted and total contraband seized is less than commercial quantity, 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. While enlarging the petitioner on bail, the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has criminal antecedent of any nature, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge