

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9543 of 2022

Nalini Bindhani

....

Petitioner

Mr. K.K. Panigrahi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.11.2022

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.87 of 2022, pending in the file of learned Special Judge, Puri, arising out of Puri G.R.P.S. Case No.61 of 2022, for commission of alleged offences under Sections 20(b)(ii)C 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, Puri by order dated 19.09.2022 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 02.06.2022 and as charge sheet has already been filed on 07.09.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail.
7. It is submitted with vehemence that in fact the contraband (ganja) seized from the conscious possession of the petitioner is only 7.9 kgs, which is less than commercial quantity but individual seizures from two other co-accused has been clubbed together so as to make it 37.7 kg which is beyond the prescribed limit.
8. It is further submitted with vehemence that in the facts of the case conscious exclusive possession only to the tune of 7.9 kgs can be attributed to the petitioner.
9. Taking into account filing of charge sheet and that the petitioner is a lady and keeping in view the provisions as under the first Proviso to Section 437(1) of Cr.P.C. and the petitioner is the first offender as stated, 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.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge