

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9225 of 2021

Draupadi Kanhar	...	Petitioner
		Mr. C. Behera, Advocate
	- Versus -	
State of Odisha	...	Opposite Party
		Mr. P. Tripathy, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
05.01.2022

Order No.
1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 07.12.2019 in connection with Khajuripada P.S. Case No. 111 of 2019 corresponding to C.T. Case No. 76 of 2019 of the Court of learned Sessions Judge- cum- Special Judge, Phulbani for the alleged commission of offence under Sections 20(b)(ii)(C) of NDPS Act, 1985.
4. The allegation against the petitioner is that she along with two other ladies were carrying contraband ganja weighing 32 Kgs, which was recovered from the luggage carrier of a bus.
5. It is submitted that there has been no seizure from the exclusive and conscious possession of the petitioner and there is no material prima facie to show that the contraband ganja was kept in the luggage carrier of the bus at the instance of the

present petitioner. It is further submitted that other co-accused accused persons have been released on bail by order passed by this Court, copies of which are enclosed to the present application as Annexure-3 series.

6. Having regard to the facts and circumstances as above and taking into consideration the fact that the petitioner is a lady and other co-accuse persons have already been released bail, I find no justified reason to detain the petitioner in custody any longer. The bail application is therefore allowed. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that she shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

