

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13914 of 2022

Shantilata Jena

.... Petitioner

Mr. S.N. Mishra, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

25.11.2022

Order No.

02. 1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail under Section 438, Cr.P.C. in apprehension of arrest for her alleged involvement in the offence under Sections 21(b) & 29 of the N.D.P.S. Act, in connection with Gop P.S. Case No.397 of 2022 corresponding to Spl. G.R. Case No.71 of 2022 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Nimapara.
3. It is alleged that, on 09.10.2022 at about 08.15 A.M. one Bhaskar Mania, S.I. of Police, Gop P.S. along with other police personnel of the said P.S., while performing patrolling duty, received reliable information that contraband narcotics, i.e. brown sugar is being carried by some drugs peddler in a white colour TATA Indigo Car, which was coming from Pipili to Konark side. They rushed to the spot immediately and tried to stop that vehicle on the way Nimapara-

Gop main road near village Bisarapur for verification. The driver of the said car and the rider tried to escape from the spot, but could be nabbed by the police party. However, one lady, who was sitting in the car, could manage to flee away from the spot. On being asked , the car driver disclosed his identify as Gopi @ Dillip Pradhan and his associate namely Dilu @ Dillip Kandi and the lady who escaped from the spot was Shantilata Jena , w/o. Lt. Kailash Chandra Jena of village – Rench, P.S. – Nimapada in the district of Puri. The other bike rider, who was also nabbed on the spot, disclosed his name as Pravat Seth.

4. On verification, the police personnel found and seized some polythene packets containing total 73 grams of impure form of Heroin known as Brown Sugar from their conscious possession along with other materials. On being asked, they admitted that they brought the said contraband substances heroin (brown sugar) from one unknown person of Khordha, Samantrapur for selling purpose in Puri district. On demand, they failed to produce any license or authority for such conscious and exclusive possession of such contraband heroin (brown sugar).

5. It is submitted by the learned counsel for the Petitioner that nothing has been seized from the possession of the Petitioner and has falsely been implicated and may be considered for bail. The learned ASC opposed with vehemence submitting the Petitioner to have escaped from being nabbed and had active participation in the paddling of contraband article.

6. Considering the nature of allegation, seriousness and gravity of the offence and the facts and circumstances of the case the involvement of the Petitioner cannot be ruled out in as much as the persons nabbed have disclosed the name of the Petitioner at the very spot without any hesitation. The act alleged being absolutely grave and smuggling of contraband being rampant no leniency can be shown to the Petitioner on the ground of her being a woman. This Court is, therefore, not inclined to admit the petitioner to anticipatory bail. The prayer for bail accordingly stands rejected and the ABLAPL is dismissed.

(Chittaranjan Dash)
Judge

S.K.Parida

