

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9872 of 2021

Saraswati Behera

....

Petitioner

Mr. S.K. Sarangi, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. G.N. Rout, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

17.05.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of this petitioner, who is in custody in connection with Satyabadi P.S. Case No.364 of 2020 corresponding to Special G.R. Case No.131 of 2020 now further corresponding to T.R. Case No.70 of 2021 pending in the Court of the learned Special Judge, Puri for offence punishable under sections 21(C)/29 of the N.D.P.S. Act in filing this application under section 439, Cr.P.C. for her release on bail.
3. Learned Senior Counsel for the Petitioner submits that the prosecution case against this Petitioner is that she had supplied the contraband Brown Sugar, which has been seized while being carried by accused Rupa @ Snehalata Pradhan. He submits that the said allegation is based on the statement of co-accused, Rupa @ Snehalata Pradhan that she with the Petitioner and two other co-accused, namely, Kanhu and Bishnu had so supplied to Purna Chadnra and Saraswati for sale. It is said that the Petitioner, who was moving in a Maruti Suzuki Car with other accused persons was not found to be in possession of Brown Sugar nor she is having any such nexus with the contraband seized. It is further submitted that in the meantime that co-accused from whose possession

Brown Sugar has been seized has been released on bail and so also other accused persons. He also submits that in the other cases running against the Petitioner, she has been granted bail. In view of all the above, he urges for reconsideration of the prayer for grant of bail to this Petitioner.

4. Learned counsel for the State opposes the move citing the quantity of contraband involved in the case. He, however, does not dispute that the contraband Brown Sugar has not been recovered from the possession of the Petitioner and that co-accused persons are on bail.

5. Considering the submissions as advanced and on going through the averments made in the F.I.R., further keeping in view the surrounding circumstances including the factum of detention of the petitioner in custody since 28.06.2021 and grant of bail to the co-accused persons; while being inclined to reconsider the prayer for grant of bail to this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that:-

- (i) she will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial;
- (ii) will appear before the Inspector-in-Charge of Satyabadi P.S. on every Monday in between 10.00 a.m. to 2.00 p.m. till conclusion of trial;
- (iv) will not indulge herself in commission of similar type of offence; and
- (v) will not leave the jurisdiction of the Court in seisin of the case without prior permission of the court.

Violation of any of the above condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D. Dash)
Judge

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