

(2023) 06 OHC CK 0146

In the Orissa High Court

Case No : Bail Application No. 5591 Of 2023

Heena Majhi @ Hena Majhi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 28-06-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 21(b), 25, 29

Citation : (2023) 06 OHC CK 0146

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A.S. Paul, A. Pradhan

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with T.R. Case No.363 of 2022, pending in the file of learned 2nd Additional Sessions Judge, Bhubaneswar, arising out of Badagad P.S. Case No.317 of 2022 for alleged commission of offences under Sections 21(b)/25/29 of the NDPS Act.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Bhubaneswar by order dated 09.05.2023 in the aforementioned case, the present BLAPL has been filed.
4. This Court by order dated 22.11.2022 in BLAPL No.9493 of 2022 directed release of the petitioner subject to verification of criminal antecedent.
5. Since the petitioner is involved in an offence of similar nature, the learned Court in seisin rejected the bail application.
6. Hence, this is the second journey of the petitioner to this Court.

7. Ex-facie this Court does not find any infirmity in the order passed by the learned Court in seisin.

8. It is submitted by the learned counsel for the petitioner that charge sheet in the case at hand has been submitted on 11.11.2022 and the brown sugar seized in the case at hand as well as in the case in which she has been cited as an accused is less than commercial quantity. Hence, she may be released on bail.

9. Learned counsel for the State opposes the prayer for bail.

10. Considering the age of the petitioner (29 years), this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

11. Since the learned counsel submits that the petitioner was involved in Khurda Town P.S. Case No.194 dated 12.06.2020 under Section 21(b)/29 of the NDPS Act, learned Court in seisin is called upon to verify the criminal antecedent of the petitioner. If it comes to fore that petitioner has more than one criminal antecedent, as noted above, this order shall stand recalled.

12. Additionally, it is directed that petitioner shall appear before the jurisdictional police station once every month on such date and time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin. While fixing the date and time of such appearance, learned Court in seisin shall be alive to the fact that the petitioner is a lady.

13. Accordingly, the BLAPL stands disposed of.

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

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