

(2024) 05 OHC CK 0188
In the Orissa High Court
Case No : Bail Application No. 3487 Of 2024

Ranju @ Ranjita Behera

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 20-05-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 294, 323, 341, 506
Narcotics Drugs and Psychotropic Substances Act, 1985 — Section 20(b)(ii)(C), 29, 37(1)(b)(ii)

Citation : (2024) 05 OHC CK 0188

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : S.K. Lenka, T.K. Praharaj

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard the learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with T.R. Case No.335 of 2023 pending on the file of learned 2nd Addl. Sessions Judge, Bhubaneswar, arising out of Dhauli P.S. Case No.106 of 2023 for commission of offence alleged under Sections 20(b)(ii)(C)/29 of the NDPS Act.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. case is pending in any other Court.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Bhubaneswar by order dated 23.03.2024 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that this Court by order dated

11.03.2024 in BLAPL No.286 of 2024 directed release of the Petitioner. While so releasing this Court had directed that the same shall subject to verification of criminal antecedent.

6. Since it came to the fore that the Petitioner has one criminal antecedent in as much as she has been cited as an accused in Airport P.S. Case No.324 dated 22.11.2021, under Sections 294/323/341/506/34 of IPC, learned Court in seisin rejected the bail application. Hence, this is the second journey.

7. Learned counsel for the State opposes the prayer for bail in view of bar contained under Section 37(1)(b)(ii) of the NDPS Act and submits with vehemence that filing of the charge sheet and the criminal antecedent squarely come within the bar stipulated under Section 37(1)(b)(ii) and hence, the Petitioner is not entitled to be released on bail.

8. Taking into account that the Petitioner is a lady and the criminal antecedent is of the year 2021, 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.

9. Considering the criminal antecedent of the Petitioner, she 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. While fixing such time learned Court in seisin shall be alive to the fact that the Petitioner is a lady. Certification of such appearance shall be submitted to the learned Court in seisin.

10. Accordingly, the BLAPL stands disposed of.

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

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