

Sefali Ankura Vs State Of Odisha

Court: Orissa High Court

Date of Decision: Aug. 17, 2021

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439
 Narcotic Drugs & Psychotropic Substances Act, 1985 " Section 20(a)(ii)(C), 42, 50

Hon'ble Judges: S.K. Panigrahi, J

Bench: Single Bench

Advocate: G.N.Mishra, P.K.Maharaj

Final Decision: Disposed Of

Judgement

S.K. Panigrahi, J

1. This matter is taken up by video conferencing mode.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner is in custody in connection with Kalimela PS Case No.56 of 2019 corresponding to T.R.Case No.44 of 2019 pending before the court

of learned Sessions Judge-cum-Special Judge, Malkangiri, registered for the alleged commission of offence under Section 20(a)(ii)(C) of the NDPS

Act, has filed this application under Section 439 of CrPC for her release on bail.

4. The brief fact of the case is that while the informant was performing anti-naxalite patrolling duty, he noticed the petitioner sitting with two others

near the rest shed with four gunny bags. On interrogation, the petitioner revealed her identity, however, her answers regarding the materials inside the

bags were very conflicting. On suspicion, the informant searched the bags and seized 26.45 kg of contraband "ganja". Subsequently, the

informant lodged a written report against the accused persons.

5. Learned counsel for the petitioner submits that charge-sheet has already been submitted. Further, the police have not complied with the mandatory

provisions of Sections 42 and 50 of the NDPS Act. Moreover, the co-accused Sibapada @ Sibaprasad Sarkar has already been granted bail by this

Court in BLAPL No.4572 of 2019. The petitioner has been languishing in custody since 07.04.2019.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

7. Considering the submissions made, facts and circumstances of the case, it is directed that the petitioner be released on bail in the aforesaid case

with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- i. the petitioner, shall, appear before the learned trial court on each date of posting of the case;
- ii. she shall not indulge in similar activities in future and
- iii. she shall not tamper the evidence of the prosecution witnesses in any manner.

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of.

10. Urgent certified copy of this order be granted on proper application.

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