

**IN THE COURT OF THE SESSIONS JUDGE-CUM-SPECIAL JUDGE,  
BOUDH.**

**Special Case (NDPS) No. – 119/2025**  
(Arising out of Boudh P.S. Case No.378, dated 18.09.2025)

S T A T E.

..... Complainant.

Versus.

1. Bandit Bhabasagar, aged about 24 years,  
Son of Balabhadra Bhabasagar,  
Village- Nakuanali,  
P.S./District- Boudh
2. Mukesh Pradhan @ Muna, aged about 29 years,  
Son of Ram Sankar Pradhan,  
Village- Malisahi,  
P.S./District- Boudh.
3. Gagura Bahadur @ Gobara, aged about 46 years,  
Son of Late Krushna Bahadur,  
Village- Tutusingha,  
P.S./District- Boudh

..... Accused persons

**Copy of order dated 25.09.2025:**

The record is posted to-day for hearing of the bail petition. Learned counsel for the accused persons and the learned P.P. are present. The learned counsel for the accused persons has given a certificate in which he has mentioned that similar petition has not been filed or pending in any other competent Court having jurisdiction to entertain such application including in the Hon'ble High Court of Orissa. The I.I.C., Boudh P.S. failed to produce up- to-date C.D. though was directed. Considering the fact that the accused persons are in custody it is felt expedient to dispose of the bail petition from the available materials. Heard.

The learned counsel for the accused persons prayed to release them on bail basically on the grounds that substantial part of investigation has been completed for which there is no chance on the part of the accused persons to gain over the investigating agency or prosecution witnesses if released on bail. It is stated that no prima-facie evidence is available against the accused persons and nothing has been seized from their possession. Further it is contended that the quantity of brown sugar seized is too less than the commercial quantity and just greater than the small quantity. It is also the submission of the learned counsel that the accused persons are the permanent resident under Boudh P.S. jurisdiction and thus, the plea of bail may be leniently viewed.

On the contrary the learned P.P. raised objection.

The allegation of prosecution is that on 18.09.2025 while the police personnel attached to Boudh P.S. were performing patrolling duty in Boudh town and nearby areas, on NH-57 bypass road near Adarsha Vidyalaya, Boudh they saw three persons were standing with a jerry bag and seeing the police personnel they

tried to flee away from the spot but were apprehended. On being asked they disclosed their identities as Bandit Bhabasagar, Mukesh Pradhan @ Muna and Gagura Bahadur @ Gobara and also confessed that the said jerry bag is containing contraband ganja. During personal search the police found one polythene jerry from suspect Gagura Bahadur @ Gobara to which he admitted that the content is brown sugar. Therefore, after complying with all procedural requirements under the NDPS Act, the police personnel searched the jerry bag and also recovered 21 K.Gs. of ganja and on weighment 09 grams of brown sugar was also recovered. Consequently, the accused persons were forwarded to the Court under Sections 20(b)(ii)(C)/21(b)/29 of the NDPS Act read with section 111 of the BNS.

On perusal of the available materials on record and papers pertaining to investigation it is quite evident from the FIR as well as the seizure list that 21 K.Gs of ganja has been shown to be seized from the possession of the accused persons. Prima-facie material is available to opine that the accused persons were engaged in transportation of 21 K.Gs of ganja which is of commercial quantity and is punishable under Section 20(b)(ii)(C) of NDPS Act. The offence U/s.20(b)(ii)(C) of the NDPS Act carries maximum punishment for a term of imprisonment which shall not be less than 10 years but which may extend to 20 years with fine, which shall not be less than Rs.1,00,000/-.

Further it is found that 09 gram of brown sugar has been recovered from the possession of one of the accused persons. However, the dealing with brown sugar is now increasing in the entire nations and now penetrated to the nick and corner of this State which in fact gradually destroying the youth of this country.

Therefore, the nature and gravity of the offences in which the accused persons are involved is too heinous. The provision U/s.37 of the NDPS Act is clearly applicable to the case at hand. Hence it is ordered:

### **ORDER**

The bail petition filed by the accused persons namely Bandit Bhabasagar, Mukesh Pradhan @ Muna and Gagura Bahadur @ Gobara stands rejected.

Supply a free copy of this order to the accused persons if applied for.

(Dictated)  
Sd/- Shri P.K. Patra  
Special Judge, Boudh.