

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

Special Case No. 13/2026 (NDPS Act)

(Arising out of Boudh P.S. Case No.26, dated 17.01.2026)

S T A T E.

Versus.

1. Akash Naga, aged about 24 years,
S/o Raj Kumar Naga, of Village-Baghiapada,
Uparisahi, P.S./Dist- Boudh.
2. Gouranga Charan Dehury, aged about 21 years,
S/o Ashok Kumar Dehury, of Village-Kuthulimunda,
P.S./Dist- Boudh. Accused persons.

Copy of order dated 04.02.2026:

The record is put up today for hearing of the bail petition. Learned counsel for the accused persons has furnished a certificate to the effect that no bail application has been filed or pending before any Court including in the Hon'ble High Court except the present bail petition. Neither the up-to-date C.D. nor any intimation received from the I.O. The learned counsel for the accused insisted to take up the bail application without up-to-date C.D. as the accused persons are in custody. Heard the learned counsel for the accused persons and the learned P.P. without up-to-date C.D. at the cost of the prosecution.

The learned counsel for the accused persons sought for bail basically on the ground *inter alia* that they have been falsely implicated in this case and nothing has been seized from their exclusive and conscious possession. Further it is contended that most part of investigation has already been completed as such the prosecution will not prejudice in any manner if the accused persons released on bail. It is the contention of the learned counsel that the mandatory provision of the NDPS Act was not followed by the informant during the time of search and seizure. The accused persons are the permanent resident under Boudh P.S. limit as such there is no chance of their absconding or tampering of the prosecution

evidence if released on bail. Thus their plea may be leniently viewed.

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

Perused the materials available on record. The F.I.R. reveals that on 17.01.2026 at about 7.00 a.m. as per the direction of the I.I.C., Boudh P.S., S.I. Biswamitra Loi along with his staff proceeded on routine patrolling duty in Boudh town and its adjoining areas in a P.S. vehicle. While performing such patrol duty at about 8.30 a.m., when they reached the Railway Over Bridge near village Nakuanali, they noticed a Swift Dzire Car coming from the side of Kuthulimunda towards Boudh. On seeing the police vehicle, the driver of the said car stopped it near the Railway Over Bridge and two occupants attempted to flee away but they were apprehended by the police staff. On interrogation, the detainees disclosed their names as Akash Nag and Gouranga Charan Dehury (the present accused persons) and they further admitted to transporting ganja in the said car without any valid license or authority. Upon search, the police team recovered two jerry bags containing contraband ganja from the dickey of the said car. The accused persons also disclosed that they had procured the ganja from Kuthulimunda area and were transporting the same towards Boudh for the purpose of sale. After observing the due formalities as prescribed under the N.D.P.S. Act, the jerry bags were searched and on weighment, the total quantity of ganja was found to be 40 kilograms. Accordingly, the S.I. seized the contraband articles and prepared the seizure list in the presence of the Executive Magistrate and witnesses. Subsequently, a case was registered vide Boudh P.S. Case No. 26 dated 17.01.2026 under Section 20(b)(ii)(C) of the N.D.P.S. Act against the accused persons.

On perusal of the available materials on record and papers pertaining to investigation, it is quite evident that prima-facie material is available to opine that the accused persons were engaged in transportation of 40 Kgs 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 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/-.

Therefore, taking into note of the stringent provision as contemplated under section 37 of the NDPS Act and that sufficient material under section 20(b)(ii)(C) of the NDPS Act is available against the accused persons, I am not inclined to release them on bail. As regards non-compliance of the mandatory provision of NDPS Act is concerned, the same shall be taken into consideration during trial. Hence it is ordered:

ORDER

The bail petition filed by accused persons namely Akash Naga and Gouranga Charan Dehury stands rejected.

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

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