



IN THE HIGH COURT OF ORISSA AT CUTTACK
Biren Kumar Tripathy
(In BLAPL No.340 of 2026)
Junesh Naik
(In BLAPL No.890 of 2026)

... Petitioners
Mr. S.K. Biswal, Advocate
(In BLAPL No. 340 of 2026)
Mr. S.K. Mahanty, Advocate
(In BLAPL No. 890 of 2026)

-versus-

State of Odisha **... Opposite Party**
Mr. T.K. Acharya, Addl. PP

CORAM:
JUSTICE G. SATAPATHY
ORDER(ORAL)
26.02.2026

Order No.
01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Since these two bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.
3. These are the bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with 2(a) CC Case No. 18 of 2025 arising out of Bhanjanagar Excise Station PR No.71 of 2025-26 pending in the file of learned Special Judge, Bhanjanagar, Dist-Ganjam for commission of offences punishable U/Ss. 20(b)(ii)(C) of the NDPS Act, on the main allegation of transporting 82Kgs of Contraband Ganja in a Chevrolet Sail LS Car bearing Regd No. OD-33-J-4935.



4. Heard, Mr. Surendra Kumar Biswal, learned counsel for the Petitioner in BLAPL No. 340 of 2026, Mr. Santosh Kumar Mahanty, learned counsel for the Petitioner in BLAPL No. 890 of 2026 and Mr. T.K. Acharya, learned Addl. PP in the matter and perused the record.

5. After having considered the rival submissions upon perusal of record, there appears allegation against the Petitioners for transporting 82Kgs of Contraband Ganja, which is well above the commercial quantity in a vehicle, but it is advanced that the Petitioner-Junesh Naik is 100 % disabled person and he was ignorant about the transportation of contraband article in the vehicle, but it is not brought to the notice of the Court whether the Petitioner has in fact raised such objection before the Court in seisin over the matter at the time of his forwarding. Be that as it may, the quantity of Contraband Ganja allegedly seized in this case is more than the commercial quantity and thereby, the Petitioners are required to satisfy the conditions of Sec. 37 of NDPS Act which prescribes that no person accused of offences under NDPS Act involving commercial quantity shall be released on bail, where Public Prosecutor opposes such bail application; unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and he is unlikely to commit offence while on bail.

6. On consideration of materials placed on record together with the plea as advanced, this Court hardly finds the Petitioners to have satisfied the conditions of Sec. 37



of NDPS Act which is *sine qua non* for grant of bail for commission of offence under NDPS Act involving commercial quantity. For the reasons stated hereinabove and taking into account the other circumstances on record in entirety, this Court is not inclined to grant bail to the Petitioners.

7. Hence, these two bail applications of the petitioners stand rejected. The Petitioner-Junesh Naik is, however, at liberty to renew his prayer for bail after examination of some witnesses.

8. Accordingly, these BLAPL Nos.340 of 2026 and 890 of 2026 stand disposed of. A soft copy of this order be immediately transmitted to the learned trial Court.

(G. Satapathy)
Judge

Priyajit