



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.1534 of 2026

Pintu Bibhar

... ***Petitioner***
Mr. A. Tripathy, Advocate

-versus-

State of Odisha

... ***Opposite Party***
Mr. M.R. Patra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL): 25.03.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is the 3rd bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Manamunda PS Case No. 190 of 2025 corresponding to Special Case (NDPS) No. 136 of 2025 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Kantamal for commission of offence punishable U/S.20(b)(ii)(C) of the NDPS Act, on the main allegation of transporting 50Kgs of Contraband Ganja in a Hyundai Car bearing Regd. No. OD-02-C-7206.
3. Heard, Mr. Amitav Tripathy, learned counsel for the petitioner and Mr. M.R. Patra, learned Additional Public Prosecutor in the matter and perused the record. On being queried about the criminal antecedent of the petitioner, Mr. Tripathy volunteers to withhold bail to the petitioner, if he is found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.
4. Admittedly, the Petitioner is renewing his prayer for bail before this Court after framing of charge and examination of two witnesses, but the said two witnesses



have never taken the name of the present Petitioner in their evidence before the Court. It is, however, claimed that the Petitioner is not having any criminal antecedents of similar nature. Grant or refusal of bail for commission of offence under NDPS Act involving commercial quantity is governed by Sec. 37 of NDPS Act, which primarily provides for satisfaction of the conditions that the accused is not guilty of the offence and he is unlikely to commit offence while on bail. In this case, it is not in dispute that the Petitioner is in custody since 01.04.2025, but trial has already commenced, however, two witnesses examined from the side of prosecution have not implicated the present petitioner for the offence. In such view of the matter and taking into account the law laid down by the Apex Court in **Ankur Chaudhary v. State of Madhya Pradesh; 2024 SCC OnLine SC 2730**, the petitioner would be considered to have satisfied the conditions of Sec.37 of NDPS Act, if he is not having any criminal antecedent of similar nature for commission of offence under NDPS Act.

5. For the reason stated hereinabove and taking into account the pre-trial detention of the petitioner and keeping in view the other circumstances on record in entirety, this Court without expressing any view on merit admits the petitioner to bail, but subject to verification of his criminal antecedent.

6. Hence, the bail application of the petitioner stands allowed and he is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh)



with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

In view of the specific submission as advanced for the petitioner, the benefit of this order shall not be extended to the petitioner, if he is found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.

7. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

Priyajit