



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3230 of 2025

***Prasanta Kumar
Pradhan***

....

Petitioner

Mr. A.K. Pradhan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Lenka, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

26.03.2025

Order No.

- 01.** 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is seeking pre-arrest bail in connection with G.R. Case No.6 of 2025 pending in the Court of learned Special Judge-cum-Sessions Judge, Gajapati, arising out of Mohana P.S. Case No.169 of 2022 for commission of offences punishable under Section 20(b)(ii)(C)/25/29 of NDPS Act.
3. It is submitted by the learned counsel that the Petitioner has been implicated in the case at hand on account of seizure of contraband to the tune of 21Kgs (Ganja) from a motorcycle bearing Regd. No.OD-32-7702.
4. It is submitted by the learned counsel for the Petitioner that the vehicle in question was in fact sold



to one Benyamin Majhi on 23.06.2022, who has not been cited as an accused, but admittedly since necessary intimation to the RTO has not been submitted for change of ownership, it still stood in the name of the Petitioner on the date of occurrence. Hence, the Petitioner has been arrayed as an accused. As such, it is urged that conscious and exclusive possession cannot be attributed to the Petitioner.

4-A. It is further submitted by the learned counsel that the co-accused who was taken into custody has since been acquitted by the judgment dated 16.02.2024 by the learned Addl.S.J.-cum-Special Judge, Parslakhemundi, Gajapati in J.R. Case No.10 of 2022 (T.R. Case No.100 of 2023). Hence, the Petitioner seeks pre-arrest bail, considering the nature of accusation.

4-B. Learned counsel for the Petitioner further submits that the bar contained in Section 37(1)(b)(ii) of NDPS Act is not attracted in the facts of the case and therefore the Petitioner seeks pre-arrest bail.

5. Such submission is opposed by the learned counsel for the State and it is submitted that the acquittal of the co-accused cannot ennure to the benefit of the Petitioner, who has not faced trial.

6. Considering the manner in which the Petitioner has been cited as an accused and taking into account



that the Petitioner has no criminal antecedents and keeping in view the acquittal of the co-accused, this Court directs that on surrendering within three weeks hence and moving for bail, the Petitioner shall be released on bail by the learned Court in seisin on such terms as deemed just and proper so as to ensure the presence of the Petitioner during trial.

7. Before releasing the learned Court shall verify as to whether order of this Court has been assailed before the Apex Court and if so, the result thereof.

8. It is needless to state that the Petitioner shall cooperate with the ongoing investigation.

9. Accordingly, the ABLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Ayesha

Signature Not Verified

Digitally Signed
Signed by: AYESHA ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Mar-2025 12:15:21

