



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3398 of 2024

Bachan Digal

....

Petitioner

Mr. L. Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. N. Das, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

10.11.2025

Order No.

- 02.** 1. Appearance memo filed by the learned counsel Mr. L. Samantaray is taken on record.
2. Name of learned counsel Mr. Samantaray be reflected in the file, cause list as well as web portal of this Court.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. The Petitioner is seeking pre-arrest bail in connection with 2(a) C.C. Case No.19 of 2021 pending on the file of learned Special Judge-cum-Addl. District Judge, Balliguda, arising out of Berhampur P.R. No.404 of 2021-22 for commission of offences punishable under Sections 20(b)(ii)(C) of the NDPS Act.
5. The allegation against the present Petitioner is that the RC book of Apache Motorcycle belonging to him was recovered from the vehicle from which contraband to the tune of 1250 kgs (ganja) was seized.



6. It is the submission of the learned counsel for the Petitioner that the Petitioner has been implicated solely on suspicion and hence, he may be protected by pre-arrest bail.

7. It is further submitted with vehemence that the embargo under Section 37(1)(b)(ii) of the NDPS Act is ex-facie not attracted in the case at hand.

8. Per contra such submission is opposed by the learned counsel for the State.

9. Taking into account the nature of allegation and the quantity of contraband seized, this Court is persuaded to hold that pending investigation and the role played by the Petitioner ensconcing him with an order of pre-arrest bail would derail the investigation. Hence, this Court is not inclined to entertain the application for pre-arrest bail. However, in the event the Petitioner surrenders before the learned Court in seisin in the aforesaid case and moves an application for his release on bail, the same shall be considered on its own merit, taking into account the background of accusation as noted hereinabove.

10. Accordingly, the ABLAPL stands disposed of.

(V. NARASINGH)
Judge

Santoshi

Signature Not Verified

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 12-Nov-2025 18:32:48

