

A.F.R.



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.3344 of 2026

(In the matter of application under Section 483 of BNSS, 2023).

Navnath Popat Jadav ... ***Petitioner***
-versus-

State of Odisha ... ***Opposite Party***

For Petitioner : ***Mr. S. Manohar, Advocate***

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

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:05.05.2026(ORAL)

G. Satapathy, J.

1. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Orkel PS Case No.268 of 2024 corresponding to Special GR Case No.119 of 2024 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for commission of offences punishable U/Ss. 20(b)(ii)(C)/25/27-A/29 of the NDPS Act, on the main allegation of allowing his vehicle a container Truck bearing Registration No.NL-01-AE-8059 for transporting 420 Kgs of Contraband Ganja.



2. Heard, Mr. Shyam Manohar, learned counsel for the petitioner appearing virtually and Mr. M.R. Patra, learned Addl. PP in the matter and perused the record.

3. After having considered the rival submissions upon perusal of record, there appears only allegation against the Petitioner for allowing his vehicle to transport commercial quantity of Contraband article, but neither he was found in possession of any Contraband article nor was he apprehended from the spot, rather the Petitioner has voluntarily surrendered in the Court pursuant to the order dated 07.03.2026 passed by a Coordinate Bench of this Court in ABLAPL No. 1265 of 2026. Besides, the materials on record do not disclose any criminal antecedent either for any offence or for offences of similar nature against the Petitioner. Besides, on a conspectus of the entire materials placed on record, the Petitioner is only found to have been implicated in this case because he is the owner of the vehicle. In addition, the name of the



Petitioner does not find place in the FIR nor any of the witnesses have whispered his name.

4. In the above context of allegation against the Petitioner, it is considered apt to refer to the law laid down in ***Biswajit Dey Vrs. The State of Assam; 2025 INSC 32***, wherein the Apex Court at Paragraph 29 has held as under:-

*"Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. **Fourthly, where the contraband is seized / recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance.** In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. **In the third and fourth scenario, the owner of the***



vehicle and/or his agent would not be arrayed as an accused."

5. In view of the aforesaid facts and circumstances and taking into account the materials so placed on record and there being no adverse report being received against the Petitioner for commission of any offence and keeping in view the mode and manner of implication of the present Petitioner which is because of the vehicle belongs to him and the name of the Petitioner being not uttered by any of the witnesses in his statement and taking into consideration of the law laid down by the Apex Court in ***Biswajit Dey(supra)***, this Court considers that the Petitioner has satisfied the conditions of Sec. 37 of NDPS Act.

6. For the reasons stated hereinabove and taking into account the pre-trial detention of the Petitioner in custody and keeping in view the conduct of the Petitioner in voluntarily surrendering in the Court, this Court without expressing any view on merits admits the Petitioner to bail.



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

8. 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

*Orissa High Court, Cuttack,
Dated the 5th day of May, 2026/Priyajit*