



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3377 of 2026

Debendra Behera

...

Petitioner

Mr. D.K. Panda, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. R.B. Mishra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

Order No.

ORDER(ORAL) : 05.05.2026

01.

1. This is the 6th successive bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Machhakund P.S. Case No. 63 of 2021 corresponding to T.R. Case No.69 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Koraput for commission of offence punishable U/Ss. 20(b)(ii)(C)/ 25/29 of NDPS Act, on the main allegation of transporting 468Kgs & 500Grams of Contraband Ganja in a Bolero Pick-up vehicle bearing Regd. No.OD-10-1559.

2. Heard, Mr. Deepak Kumar Panda, learned counsel for the petitioner and Mr. R.B. Mishra, learned Addl. PP in the matter and perused the record.

3. Bail is in fact sought for to the petitioner mainly on the ground of delay in disposal of the case, but right to speedy trial has to be read alongside the conditions of Sec.37 of NDPS Act for an accusation against an accused person for offence under NDPS Act involving commercial quantity. In this case, this Court is fortified with the decision of the Apex Court in ***State of Punjab vrs. Sukhwinder Singh @ Gora; 2026 Live Law(SC) 421***, wherein the Apex Court has held as under:-



"10. Xx xx xxx *The right to speedy trial under Article 21 of the Constitution is undoubtedly a valuable constitutional guarantee; but in the context of a special statute such as the NDPS Act dealing with commercial quantity, that right has to be read alongside, and not in displacement of the mandate of Sec.37 of NDPS Act."*

4. It is, however, submitted by the learned counsel for the petitioner that PW.1 and 2 have not supported the prosecution allegation against the petitioner, but there are other witnesses, who had already been examined in this case and material witnesses like IO and informant are yet to be examined. Grant or Refusal of bail for commission of offence under NDPS Act involving commercial quantity is governed by Sec. 37 of NDPS Act, which prescribes for recording satisfaction of the Court that the accused is not guilty of the offence and he is unlikely to commit offence while on bail. In this case, on a conspectus of materials placed on record together with the evidence of witnesses so far examined, this Court hardly finds the petitioner to have satisfied the condition 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.

Hence, the prayer for bail of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately forwarded to the court in seisin over the matter for reference.

(G. Satapathy)
Judge

S.Sasmal

Signature Not Verified

Digitally Signed
Signed by: SUBHASHMITA SASMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 06-May-2026 11:02:21

