



IN THE HIGH COURT OF ORISSA AT CUTTACK

Rakesh Choudhuri @ Choudhury

(In BLAPL No.4266 of 2025)

Goutam Mahalik

(In BLAPL No.4408 of 2025) ...

Petitioners

*Mr. K. Mohanty, Advocate
(in BLAPL No.4266 of 2025)*

*Mr. S.R. Das, Advocate
(in BLAPL No.4408 of 2025)*

-versus-

State of Orissa

... Opposite Party

Mr. M.K.Mohanty, Addl. PP

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER(ORAL)
10.10.2025**

**Order No.
03.**

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Since these two bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.
3. These are the bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Plantsite PS Case No.217 of 2025 corresponding to Spl. GR Case No.13 of 2025 pending in the file of learned 1st Addl. Sessions Judge-Cum-Special Judge, Rourkela, for commission of offences punishable U/Ss.20(b)(ii)(C)/ 25/29 of NDPS Act, on the main allegation of transporting 21Kgs & 300Grams of Contraband Ganja on a Scooty bearing Regd. No.OD-34P-9574.



4. Heard, Mr. Kuldeep Mohanty, learned counsel for the petitioner in BLAPL No.4266 of 2025; Mr. Soumya Ranjan Das, learned counsel for the petitioner in BLAPL No.4408 of 2025 and Mr. M.K.Mohanty, learned Additional Public Prosecutor in the matter and perused the record including the certified copy of the order dated 20.09.2025 passed by the learned trial Court in Special GR Case No. 13 of 2025(NDPS) out of which the present bail application arises. Learned counsel for the parties, however, specifically submits to withhold bail to the petitioners, if they are found involved in any other case(s) for commission of similar offence.

5. It is not in dispute that the IO could not submit charge sheet within 180 days as stipulated by Sec. 36-A of the NDPS Act, but the learned trial Court after having heard the parties has granted one month more time to the IO to complete the investigation which is found from the certified copy of order sheet as filed. Admittedly, the petitioners are in custody since 26.03.2025, but charge sheet is yet to be submitted in this case. No doubt, the proviso to Sec. 36-A of NDPS Act provides for extension of time to the IO for completion of investigation beyond 180 days up to one year, however, the quantity of contraband articles seized in this case is proximate to the commercial quantity. Further, the State has failed to report any criminal antecedents against the petitioners. In the peculiar facts and circumstance of the case, especially when the IO has failed to submit the charge



sheet within 180 days as stipulated and has been granted one month more time for completion of investigation and there being nothing on record to suggest any criminal antecedent of the petitioners for similar nature, this Court considers that the conditions of Sec. 37 of NDPS Act may be dispensed with for the petitioners at this stage.

6. For the reason stated hereinabove and taking into account the custody period of the petitioners, this Court without expressing any view on merits admits each of the petitioners to bail.

7. Hence, these two bail applications of the petitioners namely Rakesh Choudhuri @ Choudhury in BLAPL No.4266 of 2025 and Goutam Mahalik in BLAPL No.4408 of 2025 are allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with one solvent surety 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 Nos.4266 and 4408 of 2025 stand disposed of. In terms of the specific submission for the petitioners, the aforesaid order is subject to verification of the criminal antecedent of the petitioners and in case, any criminal antecedent of similar nature is found against any of the petitioner(s), the benefit of this order shall not be extended to them/him without seeking leave of this Court.



9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

kishore

Signature Not Verified

Digitally Signed
Signed by: KISHORE KUMAR SAHOO
Reason: Authentication
Location: High Court of Orisssa
Date: 13-Oct-2025 10:20:53

