



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1338 of 2026

*Johan Digal*

....

*Petitioner(s)*

*Mr. Amiya Kumar Tarai, Adv.*

-versus-

*State of Odisha*

....

*Opposite Party(s)*

*Mrs. Sarita Moharana, ASC*

**CORAM:**

**HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI**

**ORDER**

**Order No.**

**07.05.2026**

**02.**

1. This matter is taken up through hybrid arrangement.
2. By filing the present CRLMC, the Petitioner has prayed for quashing the entire criminal proceedings initiated against him in connection with G.R. Case No.149 of 2015, arising out of Phiringia P.S. Case No.138 dated 29.12.2015, pending before the learned Sessions Judge-cum-Special Judge, Kandhamal.
3. Heard.
4. The prosecution case, in brief, is that on 29.12.2015, the SI of Phiringia Police Station, lodged a written report before the Officer-in-Charge, alleging that, as directed by the OIC, he along with other police personnel formed a raiding party to detect and seize ganja. During the raid, they reached the spot and found two persons standing on the right side of the road with two motorcycles and two large plastic bags. On seeing

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the police jeep, the persons attempted to flee but were apprehended by the police. On interrogation, they disclosed their names as Tuna Digal and Maheswar Pradhan and admitted that the plastic bags contained ganja, which they possessed for the purpose of sale while waiting for conveyance at the spot.

5. Learned counsel for the Petitioner submits that the Petitioner has been falsely implicated, with no *prima facie* material showing his involvement in the offence under Section 29 of the NDPS Act. It is further submitted that he was neither present at the spot nor aware of the alleged transportation or possession of ganja.

6. It is submitted that the FIR was initially lodged against two accused persons, who were apprehended on the spot with the seized contraband ganja and allegedly admitted possession thereof. They were later granted bail by this Court vide order dated 19.12.2016 in BLAPL No. 357 of 2016.

7. Learned counsel further submits that although the preliminary charge-sheet was filed on 05.06.2016 and the final charge-sheet on 03.10.2017, the Petitioner was subsequently implicated under Section 29 NDPS Act as an absconder, despite the absence of any direct evidence linking him to the offence.

8. It is contended that the contraband was recovered only from the co-accused persons arrested at the spot and no



incriminating material was recovered from the Petitioner's possession or control.

9. Learned counsel submits that the Petitioner's name was added during supervision by the DSP, Kandhamal, primarily on the basis of Section 161 Cr.P.C. statements, which have no substantive evidentiary value without corroboration.

10. It is further submitted that after the preliminary charge-sheet dated 05.06.2016, the Petitioner learnt that his name had been added during supervision, leading to issuance of an NBW by the learned trial Court.

11. Challenging the NBW, the Petitioner filed CRLMC No.3400 of 2016, in which this Hon'ble Court stayed the NBW on 09.12.2016. The matter was later dismissed for non-prosecution on 18.11.2022, but subsequently restored in CRLMA No.362 of 2023 vide order dated 28.11.2023, along with revival of the interim stay.

12. Learned counsel submits that the co-accused persons from whom the contraband was seized have already been granted bail and during trial the case of the present Petitioner was split up.

13. It is further submitted that although sixteen witnesses were examined, the learned trial Court acquitted the co-accused vide judgment dated 10.03.2026, holding that the prosecution failed to prove the charges beyond reasonable doubt.



14. After hearing learned counsel for the parties and without expressing any opinion on the merits of the case, this Court directs the Petitioner to surrender before the learned Trial Court within a period of fifteen (15) days from today and to participate in the trial, which is stated to be pending before the learned Sessions Judge-cum-Special Judge, Kandhamal in the split-up case relating to the offence under Section 20(b)(ii)(C) of the NDPS Act.

15. It is further observed that upon such surrender, if the Petitioner so desires, he shall be at liberty to move an application for bail and the same shall be considered in accordance with law, without being influenced by any observation made in this order.

16. It is also clarified that the Petitioner shall cooperate with the trial and shall not seek unnecessary adjournments. Upon surrender within the stipulated period, coercive steps, if any, pursuant to the non-bailable warrant shall remain in abeyance.

17. With the aforesaid observation and clarification, the CRLMC stands disposed of.

18. Pending application (s), if any, shall stand disposed of.

*(Dr. Sanjeeb K Panigrahi)*  
*Judge*