



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3792 of 2026

Prabhat Bhoi @ Titu

....

Petitioner(s)

Mr. Dibya Prakash Mishra, Adv.

-versus-

State of Odisha

....

Opposite Party(s)

Mr. Tej Kumar, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

29.04.2026

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
195	13.10. 2025	Bareipali	T.R. Case No.138 of 2025, Sessions Judge-cum-Judge (Special Court), Sambalpur	21(C)/29 of the NDPS Act

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioner, being in custody in Bareipali P.S. Case No.195 dated 13.10.2025, corresponding to T.R. Case No.138 of 2025, pending in the Court of learned Sessions Judge-cum-Judge (Special Court), Sambalpur, registered for the



alleged commission of offences under Sections 21(C)/29 of the NDPS Act, has filed this petition for his release on bail.

4. The prosecution case, in brief, is that on 13.10.2025, on receipt of credible information regarding illegal transportation of a large quantity of contraband cough syrup containing Codeine Phosphate, the police intercepted a white pick-up van and a Maruti Swift car near Mesinkanta Chowk at about 3:15 PM. On search, 17 sealed jerry bags containing 5,100 bottles of Eskuf cough syrup were recovered. The total quantity of Codeine Phosphate is stated to be 1.02 kg, which falls under commercial quantity. The accused persons were unable to produce valid documents for such possession or transportation. During interrogation, involvement of the present Petitioner was disclosed by co-accused persons.

5. Learned counsel for the Petitioner submits that the Petitioner is in judicial custody since 14.10.2025 and has been implicated only on the basis of confessional/disclosure statements of co-accused. It is further contended that the principal accused, named Chandra Sekhar Naik, has been granted anticipatory bail in ABLAPL No.12710 of 2025 and therefore, the principle of parity may be taken into account. It is also submitted that no contraband has been recovered from the conscious possession of the Petitioner.



6. *Per contra*, learned counsel for the State opposes the prayer for bail contending that the seizure involves commercial quantity of contraband under the NDPS Act and that there are sufficient materials indicating the Petitioner's involvement in the alleged illicit trafficking network. It is further submitted that the statutory bar under Section 37 of the NDPS Act is attracted.

7. The present case involves recovery of 5,100 bottles of Eskuf cough syrup containing Codeine Phosphate, which is admittedly a commercial quantity under the NDPS Act. Therefore, the rigours of Section 37 of the NDPS Act are squarely applicable.

8. At this stage, there are *prima facie* materials indicating the involvement of the Petitioner in the alleged organised transportation and distribution of contraband substances. The disclosure statements of co-accused, though to be tested at trial, cannot be completely brushed aside at this stage when considered along with the recovery and surrounding circumstances.

9. The contention that nothing has been recovered from the conscious possession of the Petitioner is a matter of defence which cannot override the statutory bar under Section 37 of the NDPS Act at this stage, particularly when the investigation discloses a *prima facie* link of the Petitioner with the alleged offence.



10. As regards the plea of parity, it is well settled that grant of bail to a co-accused does not, by itself, constitute a ground for grant of bail, especially in NDPS cases involving commercial quantity, where the role and material against each accused must be independently assessed. The order granting bail to the co-accused appears to be based on its own factual matrix and cannot be mechanically applied to the present Petitioner.

11. In view of the foregoing discussions, the nature of allegations, recovery of commercial quantity of contraband, and the statutory embargo under Section 37 of the NDPS Act, this Court is not inclined to release the Petitioner on bail at this stage.

12. The BLAPL is, accordingly, disposed of.

13. Issue urgent certified copy of this Order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge