



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.6686 of 2026

***Arjun Macho @ Arjun
Maccha***

.....

Petitioner

Represented by Adv. -
Amit Kumar Sahu

-versus-

State Of Odisha

.....

Opposite Party

Represented by Adv. –

Mr. S.K. Parhi, ASC

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

19.06.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State. Perused the records.

3. This is an application under Section 438, Cr.P.C filed by the Petitioner for anticipatory bail, involving offence punishable under Section 20(b)(ii)(C) of the N.D.P.S Act in T.R. Case No.53 of 2024 of the Court of learned Sessions Judge -cum-Special Judge, Jeypore arising out of Baipariguda P.S Case No.175 of 2024.

4. It is stated by the learned counsel for the Petitioner that the Petitioner has been falsely implicated in the present case and that the FIR was lodged against unknown person and no one apprehended from the spot. Instead, the registered owner of the vehicle was arrested. In the aforesaid context, learned counsel for



the Petitioner referred to the judgment of the Hon'ble Supreme Court in the case of *Tofan Singh v. State of Tamil Nadu*, reported in *(2021) 4 SCC 1* and further contended that since nothing has been recovered from the exclusive and conscious possession of the Petitioner, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the Petitioner's case. He further submitted that the Petitioner does not have any criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding. On such grounds, learned counsel for the Petitioner contended that the Petitioner is ready and willing to surrender before the court in seisin over the matter and cooperate with the investigation as well as the trial court.

5. Learned counsel for the State, on the other hand, objected to the release of the Petitioner on pre-arrest bail on the ground of gravity and seriousness of the allegation. He further submitted that investigation in this case is still on. Therefore, release of the Petitioner on pre-arrest bail at this juncture would cause adverse impact in the progress of the investigation. On such ground, learned counsel for the State submitted that the prayer for pre-arrest bail of the Petitioner be rejected at this juncture.

6. At this stage, learned counsel for the Petitioner submitted that the Petitioner does not want to press this bail application and seeks liberty to surrender before the court below and move an application for bail.

7. Having regard to the submissions made by the learned counsels appearing for both sides, on a careful examination of the



surrounding facts and circumstances of the present case, and on the request of the learned counsel for the Petitioner, the Petitioner is permitted to surrender before the court in seisin over the matter within four weeks from today and move an application for bail. In such eventuality, the court in seisin over the matter shall consider and dispose of the bail application of the Petitioner in accordance with law on the same day. While considering the bail application of the Petitioner, the court in seisin over the matter shall take into consideration the principle laid down by the Hon'ble Supreme Court in ***Tofan Singh's*** case (supra). It is further directed that the Case Diary as well as relevant materials be placed before the court concerned on the date of surrender of the Petitioner for consideration of bail application of the Petitioner.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Vacation Judge

Sisir