



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6999 of 2026
CNR No. ODHC010504412026

Tapas Dalai

...

Petitioner

Mr. S. Pattanaik, Advocate

-versus-

State of Orissa

...

Opposite Party

Mr. C. Mahanty, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):03.09.2026

Order No.

01.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Jagatsingpur PS Case No.457 of 2026 corresponding to CT(NDPS) Case No.09 of 2026 pending in the file of learned Sessions Judge-cum-Spl. Judge, Jagatsinghpur for commission of offences punishable U/Ss.21(C)/29(1) of the NDPS Act and Section 111(2)(b) of the BNSS, on the main allegation of transporting 277.5 Grams of Brown Sugar, along with co-accused persons.

2. In the course of hearing, Mr. Suvashish Pattnaik, learned counsel for the Petitioner submits that nothing was recovered from the exclusive and conscious possession of the Petitioner, but he has been forwarded to the Court for transportation of commercial quantity of Contraband article, however, he is a poor driver of the vehicle in which co-accused persons were transporting Contraband article and,



therefore, the Petitioner having no nexus in transportation of Contraband article, the conditions of Sec. 37 of NDPS Act are not attracted against the petitioner and, therefore, the Petitioner may kindly be granted bail.

2.1. On the other hand, Mr. C. Mahanty, learned Addl. PP by placing the statement of witness Ranjan Kumar Behera submits that not only the Petitioner is found in constructive possession of commercial quantity of Contraband article, but he has failed to satisfy the conditions of Sec. 37 of NDPS Act and thereby, the Petitioner is not entitled to be released on bail. Accordingly, Mr. Mohanty prays to reject the bail application of the Petitioner.

3. After having considered the rival submissions upon perusal of record, not only there appears allegation against the Petitioner for jointly possessing commercial quantity of Contraband article, but he has been forwarded to the Court with the aid of Sec. 29 of the NDPS Act which speaks for abetment and conspiracy. Besides, the Petitioner has been named in the FIR and the investigation is going on. It is too early to say as to whether the Petitioner was in constructive possession of Contraband article or not. In the aforesaid facts and circumstance and on consideration of materials placed on record together with the seizure of 277.5 Grams of Brown Sugar,



which is definitely coming under commercial quantity, this Court does not find the Petitioner to have satisfied the conditions of Sec. 37 of NDPS Act, which is sine qua non for grant of bail to an accused for commission of offence under NDPS Act involving commercial quantity.

4. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately transmitted to the learned trial Court.

(G. Satapathy)
Judge

Priyajit