



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CRLMC No.3178 of 2025**

**1) Bibhuti Malik**

.....

***Petitioners***

2) Santosh Behera

Represented By Adv. -  
Jugala Kishore Panda

-versus-

***State Of Odisha***

.....

***Opp. Party***

Represented By Adv. -  
C. Mohanty, A.S.C.

**CORAM:**  
**THE HON'BLE MR. JUSTICE ADITYA KUMAR**  
**MOHAPATRA**

**ORDER**  
**18.08.2025**

**Order No.**

01.        1.     This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2.     Heard learned counsel for the parties and perused the records.
3.     This is an application under Section 528 of B.N.S.S. corresponding to Section 482 of Cr.P.C., 1973 has been filed by the Petitioners with a prayer for quashing of the proceeding in connection with Manamunda P.S. Case No.357 of 2024 corresponding to Special Case No.133 of 2024 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Kantamal for alleged commission of offences under Sections 21(C)/29 of the N.D.P.S. Act read with Section 20(a)(i) of the NDPS Act and Section 27(1) of the Orissa Forest Act, 1972.
4.     Learned counsel for the Petitioners during course of



argument submits that the Petitioners do not want to press this application with liberty to the Petitioners to raise all the points at the time of framing of charge by filing a discharge petition.

5. Considering the submission made, this CRLMC stands disposed of as not pressed.

6. Further taking into consideration the submissions made by learned counsel for the Petitioners that the bar under Section 37 would not be attracted to the case of the present Petitioners, the Petitioners are directed to surrender before the learned court in seisin over the matter, in the aforesaid case within two weeks from today. In the event the Petitioners surrender and move for bail within the aforesaid period, learned court in seisin over the matter, shall do well to dispose of the bail application of the Petitioners on the same day on merit in accordance with law. Further, while considering the bail application of the Petitioners, learned Court in seisin over the matter shall apply the principles of parity.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioners, if applied for.

8. Accordingly, the CRLMC is disposed of.

Issue urgent certified copy of this order as per Rules.

**( Aditya Kumar Mohapatra )**  
**Judge**

Anil

Signature Not Verified

Digitally Signed  
Signed by: ANIL KUMAR SAHOO  
Designation: Junior Stenographer  
Reason: Authentication  
Location: High Court of Orissa  
Date: 19-Aug-2025 15:07:09

