



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.10115 of 2024

Akshaya Kumar Jena

.....

Petitioner

Represented By Adv. -
Dr. Janmejaya Ray

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. -
Mr.Samaresh Jena,ASC

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

ORDER
14.05.2025

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as 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 Sections 20(b)(ii) (C) & 29 of the NDPS Act. in Nayapalli P.S.Case No.110 of 2024 corresponding to T.R.No.111 of 2024 of the Court of learned Sessions Judge, Khurda at Bhubaneswar.
4. It is stated by the learned counsel for the Petitioner that as per the allegation of the Prosecution, contraband ganja was recovered from the vehicle in question, which was parked by the side of the road. He further contended that no person was



present in the vehicle. Learned counsel for the Petitioner further contended that the Petitioner has been falsely implicated in the present case. Since nothing has been recovered from the conscious and exclusive possession of the Petitioner, the bar under section 37 of the Act is not attracted to the fact of the present case. Further, it is contended by the learned counsel for the Petitioner that the Petitioner does not have criminal antecedent of similar nature. On such ground, learned counsel for the Petitioner contended that the Petitioner be released on bail.

5. Learned Additional Standing Counsel for the state on the other hand objected to the release of the Petitioner on pre-arrest bail on the ground of seriousness and gravity of the allegation. He further contended that the contraband ganja which was recovered in the present case is more than the commercial quantity. On the aforesaid ground, learned Additional Standing Counsel contended that the application for bail of the Petitioner be rejected.

6. Considering the submissions of the learned counsels for the respective parties, after careful examination of the surrounding facts and circumstances of the case and the nature and gravity of the allegation as well as further keeping in view the fact that no person was arrested at the spot, the bar under section 37 would not be attracted to the fact of the present case, it is directed that the Petitioner, if so advised, may surrender before the learned Sessions Judge, Khurda at Bhubaneswar in the aforesaid case within four weeks from today. In the event the Petitioner surrenders and moves for bail within the aforesaid period, learned Sessions Judge, Khurda



at Bhubaneswar, shall do well to dispose of the bail application of the Petitioner on the same day on merit in accordance with law. The case diary be made available to the concerned court to facilitate disposal of the bail application of the Petitioner prior to the date of surrender on an application being filed along with a copy of this order.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per Rules.

(ADITYA KUMAR MOHAPATRA)
JUDGE

RKS

Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR SINGH
Designation: AR-CUM-Senior Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 16-May-2025 10:58:03

