



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No.11106 of 2025**

**Bhola Shankar Jena** ... **Petitioner**  
*Mr. D. Sarangi, Advocate*

-versus-

**State of Odisha** ... **Opposite Party**  
*Mr. T.K. Acharya, Addl. PP*

**CORAM: JUSTICE G. SATAPATHY**

**ORDER(ORAL): 26.03.2026**

**Order No.**

**02.**

1. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Rayagada PS Case No. 84 of 2023 corresponding to TR No. 14(A) of 2023 pending in the Court of learned Sessions Judge, Rayagada for commission of offence punishable U/S.20(b)(ii)(C) of the NDPS Act, on the main allegation of possessing 41Kgs and 980 Grams of Contraband Ganja.

2. Heard, Mr. Debasis Sarangi, learned counsel for the petitioner and Mr. T.K. Acharya, learned Additional Public Prosecutor in the matter and perused the record.

3. It is, however, brought to the notice of the Court by way of the certified copy of the order sheet dated 27.04.2023 passed by learned Special Judge, Cuttack in GR(Spl.) No. 05 of 2023 that the accused(petitioner herein) was granted bail in that case on 27.04.2023, but the FIR therein was registered on 21.02.2023 taking the Petitioner into custody. It is not disputed that the present Petitioner was not apprehended from the spot in this case, rather he was apprehend much after the registration of the present case, however, on a comparative and contemporaneous reading of the FIRs and the rejection order as passed in TR No. 14(A) of 2023, it appears that on the date of registration of FIR in the present case, the Petitioner was already in custody in another case. It is also not disputed



that the Petitioner was neither found in exclusive and conscious possession of Contraband article nor was he apprehended from the spot in the present case on the date of registration of the case. No doubt, the Petitioner can be held for constructive possession, but taking into account the materials so placed on record together with the circumstance as described and discussed above, this Court considers that the Petitioner has satisfied the conditions of Sec. 37 of NDPS Act which is *sine qua non* for grant of bail for commission of offence under NDPS Act involving commercial quantity.

4. For the reason stated hereinabove and taking into account the fact that the co-accused-Deepak Panigrahi, who has been allegedly found in possession of the Contraband article and apprehended from the spot, has already been granted bail by a Coordinate Bench of this Court in BLAPL No. 11050 of 2023, this Court without expressing any view on merit admits the petitioner to bail.

5. Hence, the bail application of the petitioner stands allowed and he is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

6. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

**(G. Satapathy)**  
**Judge**