



IN THE HIGH COURT OF ORISSA AT CUTTACK

Ch. Hrusikesh Rao @ Babuli ... **Petitioners**
(In BLAPL No. 11626 of 2025)
Sumit Khara
(In BLAPL No. 12242 of 2025)

Ms. P. Sahu, Advocate
(In BLAPL No. 11626 of 2025)
Mr. S.K. Mohanty, Advocate
(In BLAPL No. 12242 of 2025)

-versus-

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

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
09.12.2025

Order No.
01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Since these two bail applications arise out of one and same case record, the same are taken up together and disposed of by this common order with the consent of the learned counsel for the parties.
3. These are the 2nd & 3rd successive bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Jeypore Sadar PS Case No.191 of 2023 corresponding to TR Case No.70(A) of 2023/TR Case No.70 of 2023 pending in the file of learned Special Judge-Cum-Additional Sessions Judge-cum-Special Court, Jeypore, for commission of offences punishable U/S.20(b)(ii)(C) of



NDPS Act, on the main allegation of transporting 60Kgs of Contraband Ganja in two Scootys bearing Regd. Nos.OD-10-U-5980 and OD-10Q-4291.

4. Heard, Ms. Puspanjali Sahu, learned counsel for the petitioner in BLAPL No. 11626 of 2025, Mr. Subodh Kumar Mohanty, learned counsel for the petitioner in BLAPL No. 12242 of 2025 and Mr. T.K. Acharya, learned Addl. PP in these matters and perused the record.

5. Admittedly, this Court by way of order dated 18.08.2025 passed in BLAPL Nos. 2514 & 7805 of 2025 has rejected the bail applications of both the petitioners, but the petitioners have renewed their prayer for bail within two months thereafter without any real change in circumstance. It is, however, contended by both the petitioners that the trial Court is not functioning due to absence of regular Presiding Officer, but that can be obviated by directing the learned Sessions Judge, Jeypore to assign the case to either himself or any other competent Court at the Station to ensure trial for the petitioners. It is, however, borne out from the record that the petitioner Sumit Khara in BLAPL No. 12242 of 2025 is allegedly found involved in Machhakund P.S. Case No.98 of 2023 for commission of offence punishable U/S. 20(b)(ii)(C) of NDPS Act, whereas the petitioner Ch. Hrusikesh Rao @ Babuli in BLAPL No. 11626 has sought for bail on the plea of not being arrested from



the spot, however, the implication of the petitioners is on the basis of statement of some of the witnesses. Grant or refusal of bail for offence under NDPS Act involving commercial quantity is regulated by Sec.37 of NDPS Act, which prescribes that no person accused of offence under NDPS Act involving commercial quantity shall be released on bail, where the Public Prosecutor opposes such bail application; unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and he is unlikely to commit offence while on bail. In this case, there is alleged seizure of 60kgs of Contraband Ganja which is well above the commercial quantity and, therefore, the petitioners have to satisfy the conditions of Sec. 37 of NDPS Act for grant of bail to them. The alleged involvement of the petitioner-Sumit Khara in another case for similar nature stands on his way to satisfy the conditions of Sec.37 of NDPS Act, so also the materials placed on record does not provide any laxity to the petitioners for satisfying the conditions of Sec. 37 of NDPS Act, which is *sine qua non* for grant of bail to an accused under NDPS Act involving commercial quantity.

6. In view of the above facts and after having considered the rival submissions and on going through the materials placed on record and the consequent failure of the petitioners to satisfy the conditions of Sec.37 of NDPS Act and there being no



real change in circumstance to consider the bail applications of the petitioners afresh, this Court is not inclined to grant bail to either of the petitioners.

7. Hence, these two bail applications of the petitioners namely Ch. Hrusikesh Rao @ Babuli (BLAPL No.11626 of 2025) & Sumit Khara (BLAPL No.12242 of 2025) stand rejected. It is open to the Petitioner-Ch. Hrusikesh Rao @ Babuli to renew his prayer for bail, if the trial does not commence within three months hence.

Since the Presiding Officer of the learned trial Court is lying vacant, the learned Sessions Judge, Jeypore is, hereby, requested to take steps for ensuring trial for the petitioners in the present case by taking necessary approval of this Court.

8. Accordingly, these two BLAPLs stand disposed of. A copy of this order be immediately transmitted to the concerned Court for compliance.

(G. Satapathy)
Judge

S.Sasmal