



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11654 of 2025

Bikash Chandra Giri

...

Petitioner

*Mr. M. Padhi, Advocate
appearing on behalf of
Mr. K. Nayak, Advocate*

-versus-

State of Odisha

... ***Opposite Party***

Mr. M.R. Patra, 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. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with 2(a) CC Case No.01 of 2025 arising out of Karanjia Excise Range PR No. 76 of 2024-25 pending in the Court of learned Addl. Sessions Judge, Karanjia for commission of offences punishable U/S. 20(b)(ii)(C) of NDPS Act, on the main allegation of possessing 153Kgs of Contraband Ganja in the house.
3. In the course of hearing, Mr. Manoranjan Padhi, learned proxy counsel appearing on behalf of Mr. Karunakar Nayak, learned counsel for the Petitioner submits that although some Contraband article has been allegedly recovered from one house, but that does not belong to the Petitioner, rather it belongs to one Prasanta Kumar Mahakud who had given the said house on rent to



Bigneswar Mahakud and, therefore, the Petitioner having no nexus with the Contraband article, he may kindly be granted bail.

3.1. On the other hand, Mr. M.R. Patra, learned Addl. Public Prosecutor by inviting the attention of the Court to the materials placed on record submits that not only the Petitioner was apprehended from the spot, but also he was trying to escape when he was caught and, therefore, the Petitioner conduct being dubious and he being found in conscious possession of Contraband article, his bail application may kindly be rejected.

4. After having considered the rival submissions upon perusal of record, there appears some allegation against the Petitioner for possessing 153Kgs of Contraband Ganja, which is definitely coming under commercial quantity, however, whether the house in question belongs to the Petitioner or was in occupation of the Petitioner or not are question of facts which can be gone into at the time of trial, but at this stage, evaluating the materials to find out the ownership of the house is not permissible. On a studied scrutiny of materials placed on record, 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 for commission of offence under NDPS Act involving commercial quantity.

5. In view of the above facts and regard being had to the failure of the Petitioner to satisfy the conditions of Sec. 37 of NDPS Act and keeping in view the other



circumstances on record in entirety, this Court is not inclined to grant bail to the Petitioner.

Hence, the bail application of the petitioner stands rejected. It is open to the Petitioner to renew his prayer for bail after examination of some witnesses.

6. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Priyajit