



IN THE HIGH COURT OF ORISSA AT CUTTACK

Sanu @ Shiba Prasad Dash

(In BLAPL No.11777 of 2025)

Raja @ Rajendra Kumar Sahu @ Sahoo

(In BLAPL No.11786 of 2025)

... Petitioners

*Mr. G. Das, Advocate
(in both BLAPLs)*

-versus-

State of Orissa

... Opposite Party

Mr. M.K. Mohanty, Addl. PP

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER(ORAL)
10.12.2025**

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 heard together and disposed of by this common order with the consent of the learned counsel for the parties.
3. These two bail application U/S.483 of BNSS by the petitioners for grant of bail in connection with Special Crime Unit PS Case No.08 of 2025 corresponding to TR Case No.625 of 2025 pending in the Court of learned District and Sessions Judge, Khurda at Bhubaneswar for commission of offences punishable U/Ss. 21(C)/25/29 of NDPS Act, on the main allegation of jointly possessing 540Grams of brown sugar, along with co-accused persons.
4. In the course of hearing Mr. Gorekhanath Das, learned counsel for the petitioners appearing



virtually submits that although joint seizure of contraband article has been made, but the petitioners were never found in possession of any commercial quantity of contraband article, rather the materials on record would only go to disclose about individual possession of the petitioners for 30grams of contraband article and therefore, the bar as contained U/S.37 of NDPS Act is not attracted against the petitioners and the petitioners having detained in custody since 16.10.2025 may kindly be granted bail.

On the other hand, Mr. M.K. Mohanty, learned Addl. PP submits that it is not the stage to evaluate the materials to find out individual possession of the petitioners, but the materials on record clearly disclose joint possession of the petitioners along with co-accused persons for 540Grams of brown sugar which is well above the commercial quantity and therefore, the petitioners having not satisfied the conditions of Sec.37 of NDPS Act, their bail application may kindly be rejected.

5. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioners for jointly possessing 540Grams of brown sugar, along with co-accused persons, but it not the stage to evaluate the evidence or materials to decide the individual possession of the petitioners for the contraband article, however, whether the petitioners were jointly possessing or



individually possessing contraband article is a question of fact and can be gone into at the time of trial after evidence being led. In such view of the matter and taking into consideration the materials placed on record, prima facie there being seizure of 540grams of brown sugar, which is well above the commercial quantity allegedly from the petitioners and others and their consequent failure to satisfy the conditions of Sec.37 of NDPS Act, this Court is not inclined to grant bail to any of the petitioners at this stage.

6. Hence, these two bail applications of the petitioners namely Sanu @ Shiba Prasad Dash in BLAPL No.11777 of 2025 and Raja @ Rajendra Kumar Sahu @ Sahoo in BLAPL No.11786 of 2025 stands rejected.

7. Accordingly, these BLAPL Nos. 11777 & 11786 of 2025 stand disposed of.

(G. Satapathy)
Judge

Jayakrushna