



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11872 of 2025

Satish Sarkar @ Raju ... **Petitioner**

Mr. A.K. Jena, Advocate, along with
Mr. R.L. Pattnaik, Advocate
-versus-

State of Orissa ... **Opposite Party**

Mr. T.K. Acharya, Addl. PP

CORAM:
JUSTICE G. SATAPATHY
ORDER(ORAL)
23.02.2026

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Motu PS Case No.0087 of 2020 corresponding to TR Case No.180 of 2020(A) pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offences punishable U/Ss.20(b)(ii)(C)/27 of NDPS Act, on the main allegation of escorting one auto rickshaw without having registration number carrying 295Kgs and 600Grams of Contraband Ganja by a motorcycle without registration number, along with co-accused persons.
3. Heard Mr. Asit Kumar Jena, learned counsel appearing along with Mr. Rajib Lochan Pattnaik, learned for the petitioner and Mr. T.K. Acharya, learned Addl. PP in the matter and perused the record.
4. No doubt it is advanced for the petitioner that the petitioner was subsequently arrested in this case



and he was not found in conscious possession of contraband article, but the allegation against him is for escorting an auto rickshaw without registration number carrying 295Kgs and 600Grams of Contraband Ganja, which is well above the commercial quantity by a motorcycle without registration number. The occurrence took place on 29.12.2020, but the petitioner was arrested after around five years in the year 2025 and that too, on the strength of NBWA. The charge-sheet as submitted in this case reveals alleged involvement of the petitioner in transportation of commercial quantity of Contraband article and the petitioner has been shown as an absconder in the charge-sheet. In the circumstances, this Court considers it profitable to refer to the decision of ***Union of India Vrs. Ajay Kumar Singh @ Pappu; (2023) SCC OnLine SC 346***, wherein the Apex Court while setting aside the order granting bail to the accused therein has *inter-alia* observed the following facts in paragraphs-9 & 11, which reads as under:-

"9. *The driver of the vehicle Om Prakash Yadav revealed that he was driving the truck with the co-accused Amit Yadav as helper of one Bittu Dada of Jamshedpur and at the behest of Shri Ram Pravesh Yadav, resident of Ballia, he had gone to Jamshedpur where the acquaintance of respondent-accused gave him the truck which was loaded with ganja for safe delivery in lieu of Rs.50,000/-. He further informed that the respondent-accused indulges in illicit trade of ganja.*



11. *The information revealed by the above two accused persons indicated that both of them knew the respondent-accused and that they had connived with him to transport the illicit ganja and that they were in direct contact with the respondent-accused all through on his mobile number. The facts as unfurled from the complaint/FIR and the statements of the above two accused persons recorded under Section 67 of the NDPS Act reveals that respondent-accused is the kingpin and the organizer of the illicit trade in ganja."*

4. Additionally, the paramount consideration in granting bail is securing attendance of the accused at the trial, but the apprehension of the petitioner on the strength of NBWA does not justify his release on bail. In the aforesaid facts and circumstances and considering the materials placed on record, this Court hardly finds the petitioner to have satisfied the conditions of Sec.37 of NDPS Act, which is sine qua non for grant of bail to an accused for commission of offence under NDPS Act involving commercial quantity.

5. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately transmitted to the learned trial Court.

(G. Satapathy)
Judge