



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11946 of 2025

Litu Swain & Others ... ***Petitioners***

Mr. C. Behera, Advocate

-versus-

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

Mr. C. Mohanty, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
15.12.2025

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 BNSS by the petitioners for grant of bail in connection with PR Case No.374 of 2025-26 corresponding to 2(a) CC Case No.106 of 2025 pending in the file of learned Sessions Judge-cum-Special Judge, Cuttack for commission of offences punishable U/Ss. 20(b)(ii)(C)/29 of NDPS Act, on the main allegation of transporting 24Kgs of Contraband Ganja in a Mahindra Bolero bearing Regd. No.OD-05-AL-6008.
3. Heard, Mr. Chhabi Behera, learned counsel for the petitioners and Mr. C. Mohanty, learned Additional Public Prosecutor in the matter and perused the record. On being queried about the criminal antecedent of the petitioners, Mr. Behera volunteers to withhold bail to the petitioners, if they are found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.
4. Admittedly, the petitioners are in custody since 24.09.2025 and in the meantime, PR has already been submitted, however, the trial is yet to commence and there



is no immediate prospect of trial. Further, it is claimed that the petitioners are not having any criminal antecedents of similar nature for commission of offence under NDPS Act. In the peculiar facts and circumstances of this case, especially when there is no immediate prospect of trial, the petitioners would be considered to have satisfied the conditions of Sec.37 of NDPS Act, if they are not having any criminal antecedent of similar nature for commission of offence under NDPS Act.

5. For the reason stated hereinabove and taking into account the pre-trial detention of the petitioner in custody with submission of PR in the meantime, this Court without expressing any view on merit admits each of the petitioners to bail, but subject to verification of their criminal antecedents.

6. Hence, the bail application of the petitioners stands allowed and the petitioners are allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) only 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.

In view of the specific submission as advanced for the petitioners, the benefit of this order shall not be extended to the concerned petitioner(s), if he/they is/are found to have any criminal antecedent of similar nature for commission of offences under NDPS Act.

7. Accordingly, the BLAPL stands disposed of.



8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Jayakrushna