



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12338 of 2025

***Kusa Naik @ Kusha
Kanhara***

....

Petitioner

Mr. Preetam Mishra, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. Rajdeep Pradhan, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

**Order
No.**

**ORDER
17.12.2025**

F.I.R/ PR No.	Dated	Police Station	Case No. and Courts' Name	Sections
0234	22.09.2020	Boudh	Boudh P.S. Case No.234/2020 corresponding to Spl. Case No.23/2022 (NDPS)/Special Case No.42(A)/2020)pen ding in the court of learned Additional	Section 20(b)(ii)(C) of N.D.P.S. Act.



			Sessions Judge-cum-Special Judge, Boudh	
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1. This matter is taken up through hybrid arrangement.
 2. Heard learned counsel for the parties.
 3. The petitioner being in custody in connection with Boudh P.S. Case No.234/2020 corresponding to SPL Case No.23/2022 (NDPS)/Special Case No.42(A)/2020)pending in the court of learned Additional Sessions Judge-cum-Special Judge, Boudh, registered for the alleged commission of offence under Section 20(b) (ii)(C) of the NDPS Act, has filed this petition for his release on bail.
 4. Learned counsel for the Petitioner submits that on 21.09.2020, Boudh Police recovered 80 Kgs 200 grams of Ganja from the house of the co-accused Kaira Majhi. However, during the arrival of the police on the date at the spot along with the co-accused/ Kaira Majhi another person was also sitting in front of the house of Kaira. On seeing police, they fled away from the spot. Subsequently, the co-accused Kaira confessed before the police that the person fled away from the spot was Kusha Kanhar/Petitioner and he had stocked the seized 80 Kg of ganja with the help of the



Kusha Kanhar. Hence, the Petitioner was implicated in this case by the police.

5. Learned counsel for the Petitioner submits that nothing was seized from the conscious possession of the Petitioner and he has been implicated in this case basing upon the confessional statement of co-accused Kaira Majhi only. He further submits that the co-accused/Kaira Majhi has already been released on bail. The Petitioner is in custody since 18.10.2024.

6. Learned counsel for the State vehemently opposes the prayer for bail stating that the quantity of ganja seized is clearly above the commercial quantity prescribed under the Act which bars granting of bail and the Petitioner is an absconder.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the Petitioner and the stringent punishment provided and also the statutory bar to grant bail under Section 37(1) of the NDPS Act in an offence of this nature without recording the satisfaction that there are reasonable grounds for believing that the petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in



this case, the Petitioner's prayer for bail is devoid of merit.
Hence, his prayer for bail stands rejected.

8. Accordingly, the BLAPL is dismissed.

(Dr. Sanjeeb K Panigrahi)
Judge

Sumitra