



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12210 of 2025

Iswar Kanhar

...

Petitioner

Mr. R. Choudhury, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. A. Pradhan, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
17.12.2025

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 CT(N) Case No.130 of 2023 arising out of Gochhapada PS Case No. 176 of 2023 pending in the Court of learned Special Judge, Phulbani for commission of offences punishable U/Ss. 20(b)(ii)(C) of NDPS Act, on the main allegation of possessing 65Kgs of Contraband Ganja in his premises.
3. Heard, Mr. Ranjit Choudhury, learned counsel for the Petitioner and Mr. A. Pradhan, learned Addl. PP in the matter and perused the record.
4. After having considered the rival submissions upon perusal of record, there appears allegation against the Petitioner for possessing 65Kgs of Contraband Ganja, which is well above the commercial quantity, but grant or refusal of bail for commission of offence under NDPS Act involving commercial quantity is governed by Sec.37 of NDPS Act, which prescribes that no person accused of



offence under NDPS Act involving commercial quantity shall be released on bail, where Public Prosecutor opposes such bail application; unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and he is unlikely to commit offence while on bail. In this case, the Petitioner was in fact allegedly escaped from the spot at the time of raid, but subsequently, he was arrested on 02.08.2025 on the strength of NBWA. The paramount consideration in granting bail is securing attendance of the accused at the trial, but the abscondance of the Petitioner itself does not justify his release on bail, more particularly when he has failed to satisfy the conditions of Sec. 37 of NDPS Act.

5. In view of the above facts and regard being had to the consequent 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.

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

(G. Satapathy)
Judge

Priyajit