



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12316 of 2025

Sujit Naik

..... *Petitioner(s)*

Mr. Amulya Ratna Panda, Adv.

-versus-

State of Odisha

..... *Opposite Party*

Ms. Sarita Moharana, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

17.12.2025

Order No.

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F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
565	09.09.2025	Colliery	C.T. (Spl.) NDPS Case No.13 of 2025 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Talcher	Sections 20(b)/29 of the N.D.P.S. Act.



1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioner being in custody in Colliery P.S. Case No. 565 of 2025 corresponding to C.T. (Spl.) NDPS Case No.13 of 2025 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Talcher, registered for the alleged commission of offences under Sections 20(b)/29 of the N.D.P.S. Act., has filed this petition for his release on bail.
4. The brief fact of the case is that on 09.09.2025 at about 8.35 A.M, the IIC of Colliery Police station received confidential information regarding illegal possession, sale and transportation of psychotropic substance i.e brown sugar by three paddlers in a Royal Enfield Bullet motor cycle baring Regd. No.OD-19-S-5808 from South Balanda side towards Gopal Prasad side for Clandestine business. He reduced to writing vide PS ODE No. 05 dated 09.09.2025 intimated to his senior officer in compliance to Section 42 NDPS Act directed the informant and other police team to proceed to the spot. On the way they procured two independent witnesses, signaled to stop and detain three accused persons along with a Royal Enfield Bullet Motor cycle bearing Regd. No. OD-19-S- 5808. They disclosed their identity. In compliance to



Section 50 of NDPS Act, all the accused persons were searched in the presence of Smt. Nibedita Naik, ORS, Asst. Collector, Talcher-cum-EM. On being searched, they recovered a zipped Jari packet containing 07 gms of contraband brown sugar/Heroine drugs and cash of Rs. 29,550/- from the possession of the accused persons. Hence, this case.

5. Learned counsel for the Petitioner submits that the Petitioner is no way involved in this case and he has no role in commission of the alleged offence. He further contends that nothing has been seized from the conscious possession of the present Petitioner. He further submits that the Petitioner is in custody since 09.09.2025. Hence, he submits that, the prayer of the present Petitioner may be allowed.
6. Learned counsel for the State vehemently opposes the prayer for bail stating that the brown sugar seized from the possession of the Petitioner is greater than the small quantity.
7. Without delving into the intricacies of the case or the merits of the allegations, and in light of the facts and circumstances at hand, this Court is of the view that the petitioner should be granted bail by the learned court in *seisin* over the matter in the aforesaid case. However, such release shall be



conditioned upon stringent terms and conditions, as the learned court deems fit and just with further condition that:-

- i. the petitioner shall appear before the local Police Station on 1st Monday of every month between 10 A.M. to 1.00 P.M.
- ii. the petitioner shall appear before the learned trial court on each date of posting of the matter.
- iii. the Petitioner shall not indulge himself in any criminal offence while on bail.
- iv. The petitioner shall not tamper with the evidence or intimidate the prosecution witnesses in any manner.
- v. The Petitioner shall plant 100 saplings of local varieties, such as mango, neem, tamarind, etc., around his village on Government land, community land, or private land in the possession of the petitioner or his family members. In the event that suitable land is unavailable, the Revenue Authority shall assist in identifying land for the plantation.

Violation of any of the above conditions shall entail cancellation of the bail.

8. The I.I.C. of the concerned police station, in coordination with the local Forest Officer, shall monitor whether the Petitioner has planted the saplings as required.
9. It is further directed that the Petitioner shall file an affidavit before the local police station, confirming that the saplings have been planted and that the petitioner will maintain those plants for a period of two years.



10. The District Nursery/District Forest Officer (D.F.O.) shall extend assistance to the petitioner by supplying the necessary saplings.
11. The BLAPL is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge