



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12429 of 2025

Amulya @ Subash Chandra Pani

Petitioner

Represented by Adv. –
Mr. Sarat Kumar Jena

-versus-

State of Odisha

Opposite Party

Represented by Adv. –

Smt. Sasmita Nayak, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

17.12.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.
3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with C.T. Spl. Case No.74 of 2025, arising out of Bhatli P.S. Case No.235 of 2025, pending in the Court of learned Sessions Judge-cum-Judge, Special Court, Bargarh, for alleged commission of offences punishable under Sections 20(b)(ii)C of the N.D.P.S. Act.
4. It is submitted by the learned counsel for the Petitioner that earlier this matter was not before any other Bench of this Court. He further submitted that the Petitioner is languishing in jail custody



since 29.09.2025. He further contended that in the meantime the investigation has progressed substantially and charge sheet is likely to be filed soon. Further, referring to the allegation made in the F.I.R., learned counsel for the Petitioner contended that a total quantity of 21.700 Kgs. of Ganja was recovered from two accused persons including the present Petitioner. He further contended that taking into consideration the aforesaid fact, it would be questionable as to whether the bar under Section 37 of the N.D.P.S. Act would be attracted to the facts of the present case. He further submitted that the Petitioner does not have any similar criminal antecedent and that he belongs to the locality. Therefore, there is no chance of his absconding.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. He further contended that in the event the Petitioner is released on bail, there is every possibility that they might abscond from justice which would eventually cause delay in conclusion of the investigation as well as filing of the charge sheet. He further submitted that the cases of illegal transportation of contraband Ganja are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. In such view of the matter, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Having regard to the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the background facts of the present case, and the nature and gravity of the allegation, further keeping in view the



period of detention of the Petitioner as well as the quantity of contraband Ganja recovered from the accused persons, this Court is of the prima facie view that the non-applicability of the Section 37 of the N.D.P.S. Act to the facts of the Petitioner's case cannot be ruled out. In such view of the matter, this Court is inclined to release the Petitioner on bail.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.35,000/-(Rupees thirty five thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions that would be fixed by the court in seisin over the matter. Violation of any of the term and condition shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify whether the Petitioner has any criminal antecedent of similar nature. In the event it is found that the Petitioner is having any criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge