



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12443 of 2025

Srihari Swain

.....

Petitioner

Represented by Adv. -
Bikash Chandra Parija

-versus-

State Of Odisha

.....

Opposite Parties

Represented by Adv. –

Smt. S. Nayak, ASC

CORAM:

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. By filing the present application under Section 483 of the B.N.S.S. the Petitioner prays for his release on regular bail in connection with S.A. Case No.80 of 2025, arising out of Jonk P.s. Case No.252 of 2025 now pending before the learned Special Judge, Nuapada, the above noted aforesaid case was registered for alleged commission of an offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. Act.



4. It is stated by the learned counsel for the Petitioner that the Petitioner is languishing in custody 19.11.2025. He further contended that as per the allegation made in the FIR a total quantity of 6 kgs. of contraband ganja was recovered from the possession of the present Petitioner. In such view of the matter, learned counsel for the Petitioner contended that a case under Section 20(b)(ii)(B) of the NDPS Act has been registered against the present Petitioner.

5. In view of the aforesaid position, learned counsel for the Petitioner further submitted that the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case. He further contended that the Petitioner belongs to the locality. Therefore, there is no chance of absconding and that the Petitioner does not have any criminal antecedent. On such ground, learned counsel for the Petitioner prayed that the Petitioner be released on bail on any stringent terms and conditions deemed proper by this Court.

6. Learned counsel for the State on the other hand objected to the release of the Petitioner on bail on the ground that the investigation is still on and that the charge-sheet has not been filed. She further contended that in the event the Petitioner is released on bail there is every likelihood that he might indulge in similar criminal offences.

7. Having regard to the submissions made by the learned counsels appearing for the parties and on a careful examination of the surrounding facts and circumstances and further taking note of the quantity of contraband ganja seized, i.e. 6 kgs, which would suggest that the bar under Section 37 of the N.D.P.S. Act would



not be attracted and taking into consideration the period of custodial detention of the Petitioner coupled with the fact that he does not have any similar criminal antecedents, this Court is inclined to release the Petitioner on bail in the aforesaid case subject to Petitioner furnishing a bail bond of Rs.30,000/-(Rupees Thirty 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 terms and conditions as deemed just and proper by the learned court in seisin over the matter.

8. Further, it is made clear that the release of the Petitioner shall also be subject to verification of the criminal antecedent of the Petitioner and in the event it is found that the Petitioner is having any similar criminal antecedent, this order shall not be given effect to.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Sisir