



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12435 of 2025

Raju Sahu and another

.....

Petitioners

Represented by Adv. –
Mr. Prasanta Kumar
Routray

-versus-

State Of Odisha

.....

Opposite Parties

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. This is the bail application U/S.483 of the BNSS by the petitioners for grant of bail in connection with Jonk P.S. Case No.95 of 2025 corresponding to S.A. Case No.18 of 2025 pending in the Court of learned Special Judge, Nuapada, for commission of offence punishable U/S.20(b)(ii)(C) of the NDPS Act, on the main allegation of possessing 28Kgs 375Grams of Contraband Ganja.
3. Heard, Mr. Prasanta Kumar Routray, learned counsel for the petitioners and Smt. Sasmita Nayak, learned Additional Standing Counsel in the matter and perused the record including the certified copy of the charge sheet as produced. On being queried about the criminal antecedent of the petitioners, Mr.



Routray volunteers to withhold bail to the petitioners, if they are found to have any criminal antecedents of similar nature.

4. After having considered the rival submissions upon perusal of record, it appears that nine persons were allegedly found in possession of 28Kgs 375Grams of Contraband Ganja, but the seizure list indicates recovery and seizure of 27Kgs. of Contraband Ganja in 14 packets, however, no specific quantity of Contraband Ganja was stated to be found from the petitioners individually. True it is that the quantity of Contraband Ganja seized from all the co-accused persons have been taken cumulatively, but normally the individual possession of the petitioners has to be taken into consideration while applying the law, unless there are materials to indicate that all the persons jointly possessed the entire quantity of Contraband Ganja. In this case, whether, the petitioners were individually possessing or jointly possessing the Contraband article is a question of fact and the same can be gone into at the trial. However, there may be prima facie allegation against the petitioners for individually possessing some quantity of Contraband Ganja which is well short of the commercial quantity. In such view of the matter and after having considered the rival submissions and on going through the materials placed on record and taking into account the individual possession of Contraband Ganja allegedly by the petitioners, this Court considers that the conditions of Sec.37 of NDPS Act may be dispensed with for the petitioners at this stage.

5. For the reasons stated hereinabove and taking into account



the custody period of the petitioners since 15.05.2025, this Court without expressing any view on merit admits each of the petitioners to bail.

6. Hence, the bail application of the petitioners stands allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) each with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it. The benefit of the aforesaid order shall not be extended to any of the petitioner(s), if he/they is/are found to have any criminal antecedent(s) of similar nature for commission of offence under NDPS Act.

7. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge

Debasis