



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.954 of 2025

Jamir Miya and another Petitioners

Mr. B. Pujari, Advocate

-Versus-

State of Odisha Opposite Party

Mr. P.K. Ray AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER

08.12.2025

Order No.

02.

1. Heard in part.

2. Referring to the judgment of this Court in CRLREV No.312 of 2022 dated 2nd September, 2025, Mr. Pujari, learned counsel for the petitioner submits that the petitioner is entitled to default bail Section 167(2) Cr.P.C. read with Section 36-A (4) of the NDPS Act. On the other hand, Mr. Ray, learned AGA for the State would submit that in case of default of any such chemical examination report filed along with chargesheet by itself cannot be a ground to demand default bail as has been held by the Apex Court in **CBI Vrs. Kapil Wadhawan and another (2024) 3 SCC 734**. But, in the Court's judgment in the CRLREV that such a question is pending decision before the Apex Court in SLP (C) No.5724 of 2023, State is requested to verify and apprise the Court regarding the decision in the SLP.

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Designation: Sr. Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 09-Dec-2025 18:07:26



List on 9th December, 2025 for final orders.

(R.K. Pattanaik)
Judge