



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.13481 of 2025

Jagarnath Deo

...

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Orissa

...

Opposite Party

Mr. S.C. Pradhan, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
24.02.2026

Order No.
04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Malkangiri Excise PR Case No.13 of 2018-19 corresponding to TR Case No.64 of 2018 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for commission of offences punishable U/Ss.20(b)(ii)(C) of the NDPS Act, on the main allegation of transporting 23Kgs of Contraband Ganja in a Bus-public carrier.
3. In the course of hearing, Mr. Rajib Lochan Pattnaik, learned counsel for the petitioner submits that although the petitioner was in custody for around four years, but trial is yet to be concluded, however, the petitioner first got interim bail after his incarceration for around three years and three months, but subsequently he could not surrender in time, however, he has not committed any crime during the default period and



taking into account the circumstances in totality with custody period of the petitioner, he may kindly be granted bail.

3.1 On the other hand, Mr. S.C. Pradhan, learned Addl. PP, however, strongly opposes the bail application of the petitioner by contending inter alia that not only the petitioner was found to be in possession of commercial quantity of contraband ganja, but he has failed to satisfy the conditions of Sec.37 of NDPS Act in addition to his default in surrendering to the Court after expiry of the interim bail on two occasions and, therefore, the bail application of the petitioner may kindly be rejected.

4. After having considered the rival submissions upon perusal of record, undisputedly it appears from the record that the petitioner was granted interim bail for three spells, but in the 2nd and 3rd spell, the petitioner did not surrender in time resulting in issuance of NBWAs against him by the Court in seisin over the matter. Besides, after the 2nd interim bail, the petitioner remained elusive for around two years and after 3rd spell of interim bail, the petitioner remained elusive for a period of around three months, however, the trial in this case has suffered on account of the conduct of the petitioner. The paramount consideration in granting bail is securing attendance of the accused at the trial, but the conduct of the petitioner itself does not justify his release on bail. Besides, the petitioner



was allegedly found in possession of commercial quantity of contraband ganja and the above conduct of the petitioner itself demonstrate that he is unable to satisfy the conditions of Sec.37 of NDPS Act, which is sine qua non for grant of bail to an accused for offence under NDPS Act involving commercial quantity.

5. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately communicated to the learned trial Court.

(G. Satapathy)
Judge

Jayakrushna