



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL Nos. 896, 3015, 3026 and 3031 of 2026

Swagat Kumar Das

....

Petitioner

Mr. R. Behera, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S. K. Brahma, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

Order

No.

04.

ORDER

29.06.2026

1. All the ABLAPLs are taken up together and disposed of by the following common order.
2. Heard learned counsel for the petitioner and State.
3. Instant petitions under Section 482 BNSS are filed for pre-arrest bail of the petitioner in connection with T.R. Case No.45 of 2021 (ABLAPL No.896 of 2026); T.R. Case No.49 of 2021 (ABLAPL No.3015 of 2026); T.R. Case No.46 of 2021 (ABLAPL No.3026 of 2026); and T.R. Case No.47 of 2021 (ABLAPL No.3031 of 2026) pending in the file of the learned Sessions-cum-Special Judge, Koraput-Jeypore on the grounds stated therein.
4. Recorded the submissions of Mr. Behera, learned counsel for the petitioner and State. It is submitted to the Court that the petitioner is on bail in 2(c)CC Case No.57 of 2021 pursuant to the Court's order in ABLAPL No.5229 of 2023



dated 30th October, 2023. The further submission is that in the case at hand, the petitioner is not involved but has been entangled after recoveries made in course of search conducted by Drug Inspector with the assistance of the local PS. Since recoveries have been made with respect to some bills etc., the petitioner though not initially implicated but stands involved as an accused in the final PR. A copy of the final PR is at Annexure-2. The submission of Mr. Behera, learned counsel for the petitioner is that the petitioner is immune to prosecution in view of Section 19(3) of the Drugs and Cosmetics Act, 1940 (hereinafter referred to as 'the Act') and admittedly the recoveries have been made from other places and not from him. It is claimed that the petitioner collected the drugs alleged to be spurious from M/s. Medilloyed Medicament Pvt. Ltd. A copy of the agreement with M/s. Medilloyed Medicament Pvt. Ltd by the petitioner is at Annexure-4 series. It is understood that the said Company collected the drugs from M/s. Max Relief Healthcare at Solan in the State of Himachal Pradesh, which never existed. It is alleged that the said Company is the manufacturer. Subsequently, since the drugs supplied by the alleged Company were found to be spurious and received from M/s. Medilloyed Medicament Pvt. Ltd. and ultimately, reached to retailers and there has been recoveries and seizure of bills revealing the supply of the same by the petitioner, so the apprehension of arrest in connection with the cases registered.

5. Recorded the objection of Mr. Brahma, learned ASC for the State.



6. As earlier stated, in the other complaint, the petitioner is on bail pursuant to the order of this Court in ABLAPL No.5229 of 2023. Perused the affidavits filed by the Drugs Inspector, Enforcement, Office of the Deputy Drug Controller, South Zone, Berhampur as at Flag-D. Considering the submissions of Mr. Behera, learned counsel for the petitioner and also Mr. Brahma, learned ASC for the State and in view of the narration of the facts hereinabove and that the petitioner though alleged to be the supplier but claims immunity under Section 19(3) of the Act with the plea that due diligence was observed while procuring the drugs detected later as spurious, this Court, with the closure of investigation and filing of the final PR, is inclined to direct him to surrender before the learned court below for being released with suitable conditions imposed even if his plea for pre-arrest is not entertained.

7. Accordingly, it is ordered.

8. In the result, the ABLAPLs are disposed of with the direction as aforesaid. It is further directed that in the event, the petitioner surrenders before the court of learned Sessions-cum-Special Judge, Koraput-Jeypore within a fortnight from today in connection with T.R. Case No.45 of 2021; T.R. Case No.49 of 2021; T.R. Case No.46 of 2021; and T.R. Case No.47 of 2021, he shall be released on bail upon furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with one solvent surety for the like amount in each of the cases with such other conditions



imposed as deemed just and proper in the facts in the circumstances of the case.

9. Issue urgent certified copy of this order as per rules

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 30-Jun-2026 18:34:51

