



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**ABLAPL No.8155 of 2026**

***Ganapati Machha*** .... ***Petitioner***

Mr. S. Dash, Advocate

-versus-

***State of Odisha*** .... ***Opposite Party***

Mr. A. K. Pati, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**23.07.2026**

**Order No.**

- 01.** 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is seeking pre-arrest bail in connection with T.R. Case No.57-A of 2019 pending in the Court of learned Sessions Judge-Cum-Special Judge, Malkangiri, arising out of Orkel P.S. Case No.88 of 2019 for alleged commission of offences punishable under Sections 20(b)(ii)C & 27-A of the NDPS Act.
3. This is the third journey of the Petitioner to this Court. Vide orders dated 30.07.2025 and 23.12.2025 in ABLAPL Nos.8519 & 14612 of 2025 respectively, this Court was not inclined to entertain the application of the Petitioner taking into account that the quantity of the contraband (Ganja) is 300kgs



4. Learned counsel for the State opposes the prayer for pre-arrest bail view of the mandate of Section 37(1)(b)(ii) of NDPS Act.

5. It is submitted by the learned counsel for the Petitioner that the basis of implication is only on account of the co-accused statement. Hence, in view of the dictum of the Apex Court in the cases of ***Tofan Singh vrs. State of Tamil Nadu, (2021) 4 SCC 1*** and ***State of Haryana vrs. Samarth Kumar, 2022 SCC OnLine SC 2087***, the Petitioner may be protected by pre-arrest bail.

6. Taking into account the nature of allegations, this Court is not inclined to entertain the application for pre-arrest bail. However, in the event the Petitioner surrenders before the learned Court in seisin in the aforesaid case and moves an application for his release on bail, the same shall be considered on its own merit.

In the event such motion is made, this Court has no iota of doubt that the learned Court in seisin shall take into account the dictum of the Apex Court referred to hereinabove, if so canvassed.

7. The ABLAPL is accordingly disposed of.

**(V. NARASINGH)**  
**Judge**

Jina

Signature Not Verified

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