IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11356 of 2025

Abhi Chandan … ***Petitioner***

Mr. C. Behera, Advocate

-versus-

State of Odisha … ***Opposite Party***

Mr. M.R. Patra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
01.12.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with CT Case No.71 of 2025 arising out of Phulbani Sadar PS Case No. 85 of 2025 pending in the Court of learned District & Sessions Judge-cum-Special Judge, Phulbani for commission of offences punishable U/Ss. 20(b)(ii)(C) r/w Sections 25/29 of the NPDS Act, on the allegation of transporting 75 Kgs of Contraband Ganja in a Scorpio vehicle bearing Regd. No. CD-02-BQ-5658.

3. In the course of hearing, Mr. Chhabi Behera, learned counsel for the Petitioner submits that six persons were there inside the scorpio vehicle, but the Petitioner was not having any knowledge regarding transportation of Contraband Ganja in the said vehicle and thereby, he having satisfied the conditions of Sec.

37 NDPS Act, may kindly be granted bail by taking into account his pre-trial detention in custody.

3.1. On the other hand, Mr. M.R. Patra, learned Addl. Public Prosecutor, however, strongly opposes the bail application of the present Petitioner by resorting to Sec. 37 of NDPS Act and prays to reject the bail application of the Petitioner.

4. After having considered the rival submissions upon perusal of record, there appears allegation against the Petitioner for transporting commercial quantity of Contraband Ganja in the Scorpio Vehicle, along with other co-accused persons, but whether the Petitioner was having requisite knowledge or not for transportation of Contraband article in the vehicle is a question of fact and can be ratiocinated in the trial after evidence being led, however, on going through the materials placed on record, this Court does not find the Petitioner to have satisfied the conditions of Sec. 37 of NDPS Act, which is *sine qua none* for grant of bail to an accused for commission of offences under NDPS Act involving commercial quantity.

Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of.

Signature Not Verified
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Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 02-Dec-2025 11:51:22

(G. Satapathy)
Judge

Priyajit