IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.5183 of 2025

Milu Thati & Anr. **.....** ***Petitioners***

Represented By Adv. -
Sk. Zafarulla

-versus-

State Of Odisha **.....** ***Opp. Party***

Represented By Adv. –
Sasmita Nayak, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
09.12.2025

Order No.

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

2. Heard the learned counsel for the Petitioners as well as learned counsel for the State-Opposite Party. Perused the application as well as the prayer made therein.

3. The present Criminal Miscellaneous Case has been filed by the Petitioners with a prayer to quash the entire criminal proceeding initiated against them in connection with Manamunda P.S Case No.76 of 2025, corresponding to Special Case No.56 of 2025 (NDPS), pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Kantamal, Boudh.

4. Learned counsel for the Petitioners, at the outset, contended that although the Petitioners have a very good case for quashing of the entire criminal proceeding, however, they do not want to press this application at this stage and seek permission to withdraw the same with liberty to raise all the points at the appropriate stage by

filing an appropriate application.

5. Considering such submission, this CRLMC stands disposed of as withdrawn with the liberty as sought for.

6. Further, taking into consideration the submission made by the learned counsel for the Petitioners that nothing has been recovered from the exclusive and conscious possession of the present Petitioners, as is evident from the seizure list under Annexure-2; and that the Petitioners are ready and willing to cooperate with the trial, without expressing any opinion on the merits of the matter, it is directed that if the Petitioners surrender before the court in seisin over the matter within four weeks from today and move an application for bail, the court in seisin over the matter shall consider and dispose of the bail application of the Petitioners in accordance with law on the same day. While considering the bail application of the Petitioners, the court in seisin over the matter shall take into consideration the fact that since nothing has been recovered from the exclusive and conscious possession of the present Petitioners, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case and pass necessary order. The Case Diary be made available to the concerned court to facilitate disposal of the bail application of the Petitioners.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Dec-2025 17:36:26