IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5232 of 2025

Swadhin Kumar Khatua@ Swadhin Ku Khatua ..... ***Petitioner***

Represented By Adv. - Amitav Tripathy

-versus-

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

Represented By Adv. – S.K. Parhi, 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 Petitioner 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 Petitioner with a prayer to quash the entire criminal proceeding initiated against him in connection with Boudh P.S Case No.178 of 2025, corresponding to Special Case (NDPS) No.82 of 2025, pending in the court of learned District and Sessions Judge-cum-

Special Judge, Boudh.

4. Learned counsel for the Petitioner, at the outset, contended that although the Petitioner has a very good case for quashing of the entire criminal proceeding, however, he does not want to press this application at this stage and seeks 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 Considering such submission, this CRLMC stands disposed of as withdrawn with the liberty as sought for.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 Petitioner that nothing has been recovered from the exclusive and conscious possession of the present Petitioner, as is evident from the seizure list under Annexure-2; and that the Petitioner is ready and willing to cooperate with the trial, without expressing any opinion on the merits of the matter, it is directed that if the Petitioner surrenders before the court in seisin over the matter within four weeks from today and moves an application for bail, the court in seisin over the matter shall consider and dispose of the bail application of the Petitioner in accordance with law on the same day. While considering the bail application of the Petitioner, 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 Petitioner, 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

Petitioner.

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 17:36:27