IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.1961 of 2026

Anup Kumar Sahani …. **Petitioner**
Mr. A.R. Panda, Advocate

-Versus-

State of Odisha …. **Opposite Party**
Mr. S. Panda, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **08.04.2026**

01. 1. Heard learned counsel for the petitioner and State.

2. Instant petition has been filed under Section 482 BNSS by the petitioner seeking pre-arrest bail in connection with Tumudibandh P.S. Case No.5 of 2026 corresponding to C.T. Case No.35 of 2026 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Balliguda on the grounds stated.

3. Perused the FIR as at Annexure-1. The submission is that the son of the petitioner is involved and he has not been named in the FIR. Gone through the details of the facts alleged in the FIR leading to the recovery of commercial quantity of contraband Ganja from other accused persons caught at the spot. Admittedly, the petitioner's presence is not revealed in the FIR. It is submitted that the petitioner's involvement is alleged upon disclosure made by the co-accused. Recorded the objection of Mr. Panda, learned ASC for the State. It is claimed

that the petitioner apprehends arrest being the owner of the alleged vehicle which was used in the illicit transportation of Ganja. This Court is not inclined to consider his plea for pre-arrest bail but to allow him the liberty to surrender before the learned court below seeking regular bail in the light of the decision in **Tofan Singh Vrs. State of Tamil Nadu (2021) 4 SCC 1**.

4. Accordingly, it is ordered.

5. In the result, the ABLAPL is disposed of with the direction as aforesaid. It is further directed that in the event, the petitioner surrenders before the learned Additional Sessions Judge-cum-Special Judge, Balliguda in connection with Tumudibandh P.S. Case No.5 of 2026 corresponding to C.T. Case No.35 of 2026 within a fortnight from today and moves regular bail, it shall be entertained and disposed of taking into account to plea advanced by with reference to the decision in **Tofan Singh** (supra) and that the bar under Section 37 of the NDPS Act is not applicable for a decision on merit.

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

(R.K. Pattanaik)
Judge

TUDU

Signature Not Verified
Digitally Signed
Signed by: THAKURDAS TUDU
Designation: Sr. Stenographer
Reason: Authentication
Location: OHC,CTC
Date: 10-Apr-2026 15:33:21