



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.4122 of 2026

(In the matter of application under Section 483 of BNSS, 2023).

Ramakanta Naik ... **Petitioner**

-versus-

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

For Petitioner : **Mr. R.K. Swain, Advocate**

For Opposite Party : **Mr. R.B. Mishra, Addl. PP**

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:08.05.2026(ORAL)

G. Satapathy, J.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Tarava P.S. Case No. 178 of 2025 corresponding to Special G.R. Case No. 42 of 2025 pending in the file of learned Special-cum-Dist. Judge, Sonapur, for commission of offences punishable U/Ss.20(b)(ii)(C)/25/29 of the NDPS Act, on the main allegation of transporting 9Quintal 35Kgs 140 Grams of



Contraband Ganja in a Bolero Pick-up vehicle bearing Regd. No. OD-03AB-9281.

2. In the course of hearing, Mr. Raj Kishore Swain, learned counsel for the petitioner submits that co-accused Sujit Naik & another having been released on bail by a co-ordinate Bench of this Court in BLAPL No. 3112 of 2026, the present petitioner may kindly be granted bail at least on the ground of parity. He further submits that the petitioner was neither apprehended from the spot nor was he found in conscious possession of Contraband article and thereby, the petitioner may kindly be granted bail.

3. On the other hand, Mr. R.B. Mishra, learned Addl. PP by taking this Court through the allegations submits that not only the petitioner was apprehended by the Police party, but also he was chased and nabbed by the Police party and thereby, it cannot be said that the petitioner stands on similar footing with co-accused released on bail. Further, Mr. Mishra submits that since the petitioner is allegedly



found in transporting huge commercial quantity of Contraband Ganja, his bail application may kindly be rejected.

4. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioner for transporting Contraband Ganja to the tune of 9Quintal 35Kgs 140 Grams, but admittedly co-accused has been granted bail, however, the order granting bail to co-accused in BLAPL No. 3112 of 2026 does not demonstrate about the petitioner therein satisfying the conditions of Sec.37 of NDPS Act. In this regard, this Court is fortified with the decision of ***Satpal Singh vrs. State of Punjab; (2018) 13 SCC 813***, wherein the pre-arrest bail application of one accused namely Satpal Singh was turned down by one of the Bench of High Court, whereas the pre-arrest bail application of co-accused Beant Singh and Gurwinder Singh had been allowed by another Bench of the said High Court, but after noticing the provisions of Sec. 37 of NDPS Act,



the Apex Court while upholding the view of the learned Judge declining to give protection to accused Satpal Singh for not recording satisfaction of the conditions U/S. 37 of NDPS Act cancelled the pre-arrest bail granted by the High Court to co-accused Beant Singh and Gurwinder Singh for not recording satisfaction of the conditions U/S. 37 of the NDPS Act which is sine qua non for granting bail to the accused for offences involving commercial quantity. It is, therefore, very clear from the precedent as laid down by Apex Court that the order granting bail must demonstrate the conditions of Section 37 of NDPS Act, but if the order granting bail to co-accused does not discuss/ demonstrate about the satisfaction of the conditions of Section 37 of NDPS Act, it would not have any binding precedent for grant of bail to co-accused. In ***Satpal(supra)***, the Apex Court in Paragraph-14 of the decision has held as under:-

"xx xx. The quantity is reportedly commercial. In the facts and circumstance of the case, the High Court could not have and should not have passed the order U/S. 438 or



*439 of CrPC without reference to Sec. 37 of NDPS Act and without entering a finding on the required level of satisfaction in case the Court was otherwise inclined to grant bail. **Such a satisfaction having not been entered, the order dated 21.09.2007 (granting pre-arrest bail to accused person) is only to be set aside and we do so.***"

5. Grant or refusal of bail to an accused for commission of offence under NDPS Act involving commercial quantity is governed by Sec.37 of NDPS Act, which provides recording of satisfaction of the Court on two aspects; such as (i) the accused is not guilty of the offence and (ii) he is not likely to commit offence while on bail. In the present case, it is alleged that the petitioner was allegedly chased and apprehended and he has allegedly found in possession of the Contraband article. In view of the aforesaid allegation and taking into account the materials so placed on record, the petitioner cannot be considered to have satisfied the conditions of Sec.37 of NDPS Act, which is *sine qua non* for grant of bail for commission of offence under NDPS Act involving commercial quantity and, therefore,



considering the law laid down by the Apex Court in ***Satpal(supra)*** together with the materials placed on record on the face of failure of the petitioner to satisfy the conditions of Sec. 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

6. In the result, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately transmitted to the Court in seisin over the matter for reference.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 8th day of May, 2026/S.Sasmal*