



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.4025 of 2026

Luta Nayak

...

Petitioner

*Mr. G. Misra, Sr. Advocate along
with Mr. S.K. Nayak, Advocate
-versus-*

State of Odisha

...

Opposite Party

Mr. T.K. Acharya, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):29.06.2026

Order No.

02.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Mohana PS Case No.145 of 2025 corresponding to GR Case No.68 of 2025 pending in the file of learned Sessions Judge-Cum-Special Judge, Gajapati, At-Paralakhemundi, for commission of offences punishable U/Ss.20(b)(ii)(C)/25/29 of NDPS Act, on the main allegation of transporting net quantity of 720Kgs of Contraband Ganja in a Ashok Leyland Pick-up vehicle bearing Regd. No.OD-07-AJ-7214.

2. In the course of hearing, Mr. Gautam Misra, learned Senior Counsel entering appearance for the petitioner in Court today along with learned counsel Mr. Suchit Kumar Nayak by filing appearance memo, which is taken on record, submits that the FIR has been registered against unknown persons, but the petitioner has been subsequently implicated in this case, however, the true owner of the vehicle is one Santosh Kumar Rana, who has not been implicated in this case, but the investigation so far reveals that the said



Santosh Kumar Rana had entered into a notarial agreement with one Sasmita Padhi for sell of the offending vehicle (Ashok Leyland Pick-up vehicle), but the said Sasmita Padhi has not been made an accused, rather the petitioner has been implicated in this case by relying upon one notarial agreement stated to be entered into by Sasmita Padhi and Luta Nayak-the present petitioner, however, on a plain glance of such document, it appears that the signature of Sasmita Padhi appearing in notarial agreement between Santosh Kumar Rana and Sasmita Padhi materially defers with the signature appearing in the notarial agreement stated to be executed between the petitioner and Sasmita Padhi and the aforesaid basis of suspicion crystallizes to the benefit of the petitioner, which is to be extended in the form of bail to the petitioner. Further, Mr. Misra submits that the petitioner has been implicated in another two cases, but that is not relating to similar offences, however, such criminal cases inadvertently has not been disclosed in the bail application and that apart, the petitioner herein has been charge-sheeted and therefore, the petitioner having detained in custody for sufficiently without any fault may kindly be granted bail.

2.1. On the other hand, Mr. T.K. Acharya, learned Additional Public Prosecutor by reading out the statement of one witness submits that not only the petitioner has been implicated on prima facie material,



but also it is palpable that the petitioner was using the vehicle on the alleged date and time and, thereby, the petitioner being guilty of transporting commercial quantity of Contraband Ganja, he was supposed to satisfy the conditions of Section 37 of NDPS Act, but the petitioner has failed to satisfy the conditions of Section 37 of NDPS Act and, thereby, the bail application of the petitioner may kindly be rejected.

3. After having considered the rival submissions upon perusal of record, it appears that FIR has been registered against unknown persons, but the bail application of the present petitioner was in fact rejected by this Court on 22.01.2026, however, the charge-sheet was submitted on 02.03.2026 as per the submission of the learned Senior Counsel. The primary implication of the petitioner in this case is on the basis of statement of Sasmita Padhi, but she is yet to be examined in the trial and so far, the contention raised by the learned Senior Counsel with regard to material difference in the signature of Sasmita Padhi in two notarial documents can be assessed once the evidence is tendered. Besides, the quantity of Contraband Ganja allegedly seized in this case is much more than the commercial quantity. Grant or refusal of bail for commission of offence under NDPS Act involving commercial quantity is governed by Section 37 of NDPS Act, which prescribes that no person accused of an offence under NDPS Act involving commercial quantity



shall be released on bail, where the public prosecutor opposes such bail application of the accused; unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any offence while on bail. In addition, the petitioner is allegedly involved in two criminal cases, of course, the same are not for the similar offences, however, this Court respects the submission of the learned Senior Counsel that the same has been inadvertently omitted to be mentioned, but fact remains that the petitioner is having two criminal cases. In the aforesaid facts and circumstance and on going through the material placed on record, this Court does not find the petitioner to have satisfied the conditions of Section 37 of NDPS Act.

4. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. It is, however, open to the petitioner to renew his prayer for bail once the witness Sasmita Padhi is examined in the trial.

5. A copy of this order be immediately transmitted to the learned Court in seisin over the matter.

(G. Satapathy)
Judge