



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10177 of 2025

Babuli Batu

.....

Petitioner

Mr. L. N. Patel, Adv.

-Versus-

State of Odisha

....

Opposite Parties

Mr. Saroj Kumar Rout, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

06.10.2025

Order No.

01.

P.R No.	Dated	Police Station	Case No. and Courts' Name	Sections
120/2025-26	15.09.2025	Pottangi Excise Station	T.R Case No.117 of 2025 pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Koraput	U/S. 20(b)(ii)(B), & 29 of NDPS Act.

1. This matter is taken up through hybrid arrangement.
2. The petitioner being in custody in connection with Pottangi Excise Station P.R. Case No.120 of 2025-26, corresponding to T.R Case No.117 of 2025 pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Koraput, registered



for the alleged commission of offence under Section 20(b)(ii)(B) of the NDPS Act has filed this petition for his release on bail.

3. The Petitioner's case, in brief, is that on 15.09.2025 while O.I.C, Pottangi Excise Station along with other excise staff were performing patrolling duty on the road of Pottangi village road, the petitioner was sitting in the road by keeping a white colour jerry basta in his hand. On seeing the excise staff, he suddenly tried to escape from the place. On suspicion, the complainant and other excise staff detained him near the road side of Pottangi village and asked him about the contains inside the jerry basta as acute smell of ganja was coming out from it. On further interrogation, he admitted the fact of keeping Ganja inside the jerry basta. On being asked, the detainee disclosed his name and address as Babuli Batu. Then the excise staff recovered and seized 05 Kg 350gm.

4. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 15.09.2025 and in the meantime, charge sheet has already been submitted. He further submits that the alleged contraband ganja has not been seized from the conscious and exclusive possession of the Petitioner and he has been falsely implicated in this case. He further submits that the quantity of contraband ganja is less than the commercial quantity,



hence, there is no bar under Section 37 to grant bail to the Petitioner.

5. Learned counsel for the State vehemently opposes the prayer for bail.

6. Considering the facts and keeping in view the submission of learned counsel for the Petitioner, this Court is of the view that there is no requirement of keeping the Petitioner inside the custody any further. Accordingly, this Court directs that the Petitioner be released on bail by the Court *in seisin* over the matter on some stringent terms and conditions with further conditions that:

- i. the petitioner shall appear before the local Police Station on 1st Monday of every month between 10 A.M. to 1.00 P.M. till the conclusion of the trial;
- ii. the Petitioner shall not indulge himself in any criminal activities in future;
- iii. the Petitioner shall not tamper the evidence of the prosecution evidence in any manner;
- iv. the petitioner shall plant 100 saplings of local variety like mango, neem, tamarind etc. around his village over the Government land/community land/private land, if it is in the possession of the Petitioner or his family members;

Violation of any of the above conditions shall entail cancellation of the bail.



7. The I.I.C. of the concerned Police Station in coordination with the local Forest Officer, shall monitor; whether the Petitioner has planted the saplings or not.
8. It is further made clear that the Petitioner shall file an affidavit after plantation of the saplings before the local Police Station assuring that he shall maintain those saplings for two years.
9. The District Nursery/D.F.O. shall extend the helping hand by supplying the saplings to the Petitioner.
10. The BLAPL is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Vacation Judge