



IN THE HIGH COURT OF ORISSA AT CUTTACK

Akash Kumar Nayak ... **Petitioners**
(In BLAPL No. 5249 of 2026)

Sisir Nayak
(In BLAPL No. 6222 of 2026)

Mr.T.K. Pattnayak, Advocate
(In BLAPL No. 5249 of 2026)

Mr. S.K. Sahu, Advocate
(In BLAPL No. 6222 of 2026)

-versus-

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

Mr. R.B. Mishra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY
ORDER(ORAL)
21.07.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Since these two bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.
3. These are the bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Excise, EI & EB Unit-1, Cuttack PR No. 682 of 2025-26 corresponding to 2(a) CC case No. 28 of 2026 pending in the file of learned Sessions Judge-cum-Special Judge, Cuttack for commission of offences punishable U/S. 21(b) of the NDPS Act, on the main allegation of jointly possessing 118 Grams of Heroin.
4. Heard, Mr. Tushar Kumar Pattnayak, learned counsel for the petitioner in BLAPL No. 5249 of 2026; Mr. Susanta Kumar Sahu, learned counsel for the



Petitioner in BLAPL No. 6222 of 2026 and Mr. R.B. Mishra, learned Additional Public Prosecutor in the matter and perused the record. On being queried about the criminal antecedent of the petitioners, Mr. Pattnayak & Mr. Sahu volunteer to withhold bail to the petitioners, if he/they is/are found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.

5. After having considered the rival submissions and taking into consideration the nature and gravity of the offences as alleged against the petitioners vis-à-vis the accusations sought to be brought against them and regard being had to the pretrial detention of the petitioners in custody since 13.03.2026 with framing of charge in the meantime and taking into account the other circumstances on record in entirety including the well-recognized principle "*bail is the rule, but jail is the exception*" and keeping in view the inherent right of the accused-petitioners to be presumed innocent until proven guilty at the trial, this Court without expressing any view on merit admits the petitioners to bail, but subject to verification of their criminal antecedents.

6. Hence, these two bail applications of the petitioners namely Akash Kumar Nayak & Sisir Nayak in BLAPL Nos. 5249 & 6222 of 2026 are allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) each with two solvent sureties for the like amount to the



satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

In view of the specific submission as advanced for the petitioners, the benefit of this order shall not be extended to the concerned petitioner(s), if he/they is/are found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.

7. Accordingly, these BLAPL Nos. 5249 & 6222 of 2026 stand disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

Priyajit

Signature Not Verified

Digitally Signed
Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 21-Jul-2026 19:14:12

