IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1862 of 2026
&
BLAPL No. 1867 of 2026

BLAPL No. 1862 of 2026

Junash Nayak @ Junash @ Muna Nayak .... **Petitioner(s)**

Mr. S.C. Mohapatra, Senior Advocate

-versus-

State of Odisha .... **Opp. Party(s)**

Mr. P.S. Nayak, AGA

BLAPL No. 1867 of 2026

Balaram Nayak .... **Petitioner(s)**

Mr. S.C. Mohapatra, Senior Advocate

-versus-

State of Odisha .... **Opp. Party(s)**

Mr. P.S. Nayak, AGA

CORAM:

JUSTICE SIBO SANKAR MISHRA

Order No. **ORDER**
30.04.2026

02. 1. The petitioners are accused in connection with Sorada P.S. Case No. 327 of 2025 corresponding to Special G.R. Case No. 67 of 2025 (NDPS) registered on the allegation of the alleged commission of offence punishable under Sections

20(b)(ii)(c)/25/29 of the NDPS Act, pending in the court of the Special Judge, Bhanjanagar.

2. The petitioners had approached the learned Special Judge, Bhanjanagar in Special G.R. Case No. 67 of 2025 (NDPS) praying for grant of bail. The learned Court below vide its order dated 12.02.2026 rejected the bail application of the petitioner. Being aggrieved, the petitioner has filed the present petition under Section 483 of BNSS, 2023 praying for enlargement on bail.

3. Learned counsel for the petitioners, on instruction from the petitioners, submits that, except the present bail application, no other bail application of the petitioners is pending in any other Court relating to the aforesaid F.I.R.

4. The prosecution case is that one Kailash Chandra Sahu, SI of Police Sorada on 07.08.2025 at about 2.30 lodged a written report before the IIC of Sorada P.S alleging therein that while he along with other staffs were performing patrolling duty under Patnagarh PS area, he got information from reliable source regarding ply of a ganja loaded in white colour bolero having number plate OD-02-AM-6101 FROM Phiringia for Sachina, Kodala being escorted by some ganja peddlers in a white colour Dzire Car having number plate OD-02-CS-6003 for illegal transportation ganja and the vehicle already passes Karada Ghati. On the information they proceeded towards the spot and at about 4.20 am, one Swift Dzire car bearing Regd. No. OD-02-CS-6003 arrived from Gajalbadi side. Thereafter one Bolero bearing Regd. No. OD-02-AM-6101 arrived there following Swift Dzire car. On being search of the Bolero Vehicle after observing formalities, they

recovered 163 kg 460 gm contraband ganja. The bolero was occupied by the accused persons namely Krishna Sahu and Chiranjeeb Naik. On being asked they could not able to produce any authority for possession and transportation of the same. Thereafter she seized bag including the Ganja and other general allegations are there.

5. Pursuant to the order dated 21.04.2026, a comprehensive affidavit has been filed on 22.04.2026, inter alia, stating that the petitioners have no criminal antecedents.

6. Mr. Mohapatra, learned Senior Counsel for the petitioners submits that the allegation of the prosecution is that the petitioners were apprehended while travelling in a Swift Dzire car and from the said car there is no recovery effected. But after some time a Bolero arrived at the spot, from which 163 kgs of contraband ganja was recovered. In the said Balero car two accused namely Krishna Sahu and Chiranjeeb Naik were found travelling. Hence, he submits that even if the prosecution story is accepted as it is, the petitioners were not found having exclusive and conscious possession of any contraband ganja. However, the prosecution alleges that the petitioners were escorting the Bolero car in which the contraband being transported. The petitioners are in custody since 08.08.2025.

7. Learned counsel for the State opposed the prayer for bail.

8. Regard being had to the nature of allegation and the fact that the petitioners are in judicial custody since 08.08.2025, I am inclined to enlarge the accused-Petitioners on bail.

9. Hence, the Petitioners are directed to be released on bail by the learned Court in seisin over the matter in the aforesaid case on such terms and conditions as it would deem just and proper, subject to the following additional conditions:

(i) They shall not leave the jurisdiction of the trial Court till the disposal of the trial;

(ii) They shall appear before the trial Court on each date on which the case is posted for trial;

(iii) They shall not tamper with the evidence in any manner whatsoever;

(iv) They shall not commit any offence while on bail, and

(v) They shall be released on bail subject to verification of similar type of antecedents.

In the event, the petitioners are found wanting for violation of any of the bail conditions imposed by this Court or the trial Court even on a single occasion, the prosecution is at liberty to move appropriate application before the Court below for cancellation of the concession of bail granted by this Court. If such application is filed, the trial Court should decide the application on its own merit.

10. The BLAPL is accordingly disposed of.

(S.S. Mishra)
Judge

Ashok

Signature Not Verified
Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 30-Apr-2026 19:58:16