IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.2356 of 2026
CNR No. ODHC010140642026

Chaitan Khilla & Anr. ..... ***Petitioners***

Represented by Adv. - Jugala Kishore Panda

-versus-

State Of Odisha ..... ***Opposite Party***

Represented by Adv. – U.C. Jena, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No.

05. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Petitioners and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioners for regular bail in connection with Special G.R. Case No.77 of 2024, arising out of Orkel P.S. Case No.141 of 2024, pending in the court of learned Additional Sessions Judge-cum-Special Judge, Malkangiri, for alleged commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 29.03.2024. He further submitted that in the meantime investigation has been

concluded and charge sheet has been filed. Learned counsel for the Petitioners further contended that the Petitioners do not have any similar criminal antecedents and that they belong to the locality, therefore, there is no chance of their absconding.

5. Further, referring to the allegation made in the FIR, learned counsel for the Petitioners contended that as per the prosecution allegation, a total quantity of 162 Kgs. of contraband Ganja was recovered from a forest. He further submitted that since the Petitioners were roaming around in the nearby area and they have been arrested in connection with the present case on the ground of suspicion. On such basis, learned counsel for the Petitioners contended that it cannot be presumed that the alleged contraband was seized from the exclusive and conscious possession of the present Petitioners. He further contended that taking into consideration the aforesaid fact, the bar under Section 37 of the N.D.P.S. Act would be attracted to the facts of the Petitioners' case. He further submitted that since the Petitioners do not have any similar criminal antecedents and that the charge sheet has already been filed, further taking into consideration the fact that the Petitioners have been languishing in custody for more than 2 years 8 months, the Petitioners be enlarged on bail on any terms and conditions as would be deemed just and proper by this Court.

6. Learned counsel for the State, on the other hand, opposed the release of the Petitioners on bail on the ground of gravity and seriousness of the allegation. He further contended that in the event the Petitioners are released on bail, there is every possibility that they might abscond from justice which would eventually cause delay in conclusion of the trial. He further submitted that the cases

of illegal transportation of contraband Ganja are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. On such grounds, it is submitted that the prayer for bail of the Petitioners be rejected at this juncture.

7. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case as well as the circumstances leading to the seizure of the contraband articles from the forest and further taking note of the period of custodial detention of the Petitioners, i.e., for 2 years 8 months and coupled with the fact that the Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail.

8. Hence, it is directed that each of the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees forty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioners shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is further directed that the bail granted to the Petitioners is subject to the condition that the court below shall verify whether the Petitioners are having any criminal antecedent of similar nature. In the event it is found that the Petitioners are having any criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 15:05:58