IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6663 of 2026
CNR No. ODHC010483322026

Bikash Kusulia @ Kushulia **.....** ***Petitioner***

Represented by Adv. -
Sidhartha Sankar Ray (2)

-versus-

STATE OF ODISHA **.....** ***Opposite Party***

Represented by Adv.
– M.R. Patra, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
29.10.2026

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S. has been filed by the Petitioner for regular bail in connection with T.R. Case No.72(B) of 2021, arising out of Muniguda P.S. Case No.83 of 2021, pending in the Court of learned Addl. District and Sessions Judge-cum-Special Judge, Bissamcuttack for alleged commission of offence punishable under Sections 20(b)(ii)C/29 of the N.D.P.S. Act.

4. It is stated by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 11.05.2026. He further

contended that in the meantime the investigation has been concluded and trial in respect of six co-accused persons have already been concluded and they have been acquitted in the charge-sheet. Learned counsel for the Petitioner further submitted that the Petitioner does not have any similar criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding.

5. Further, referring to the materials on record, learned counsel for the Petitioner that earlier the Petitioner was enlarged on bail in ABLAPL No.2183 of 2025 by a coordinate Bench vide order dated 05.05.2025. He further submitted that the Petitioner could not surrender in time therefore he could not take advantage of order dated 05.05.2025. It was also brought to the notice of the Court that several similarly situated persons have already been enlarged on bail in the meantime. He further submitted that the Petitioner was initially not named in the FIR. However, during course of investigation he has been arrayed as an accused on the basis of the co-accused statement. On such ground, learned counsel for the Petitioner submitted that the Petitioner be enlarged on bail on any stringent terms and conditions deemed proper by this Court.

5. Learned counsel for the State on the other hand objected to release the Petitioner on bail on the ground that in the event the Petitioner is released on bail, there is a possibility that he might be involved in similar criminal offences. It was further submitted that the nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at

this juncture.

6. Having heard the learned counsels appearing for the respective parties and on a careful examination of the materials on record and further taking note of the nature and gravity of the allegation as well as the role of the Petitioner in the alleged crime, further keeping in view the fact that the some of the co-accused persons have already been released on bail and that the Petitioner was earlier allowed to go on bail but could not advantage of such order, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

9. It is further directed that the bail granted to the Petitioner shall be subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent of similar nature. In the event it is found that the Petitioner is having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 30-Oct-2026 15:38:37