IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7392 of 2026
CNR No. ODHC010530482026

Bhaskar Majhi **.....** ***Petitioner***

Represented by Adv. - Basanta Kumar Das

-versus-

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

Represented by Adv. – C.Mohanty, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
05.11.2026

Order No.

02. 1. This matter is taken up through Hybrid 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 C.T. Case No.41 of 2026, arising out of Kuliana P.S. Case No.91 of 2026, pending in the Court of learned District Sessions Judge-cum-Special Judge, Baripada for alleged commission of offence punishable under Sections 21(b)/25/29 of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 27.05.2026. He further contended that the investigation has been concluded and final charge sheet has been filed. He further submitted that the Petitioner does not have

any similar criminal antecedents and that he belongs to the locality, therefore, there is no chance of his absconding. He further submitted that the Petitioner happens to be the driver of the vehicle in which the contraband cough syrup was being transported. It was also brought to the notice of the Court that the Petitioner, being a driver, was not aware of the nature of the consignment and the owner thereof. Further referring to the allegation made in the FIR, learned counsel for the Petitioner contended that as per the FIR allegation, a total quantity of 1700 nos. bottles of cough syrup were recovered from the vehicle in which the Petitioner was engaged as a driver. Learned counsel for the Petitioner contended that in the meantime the principal accused, namely, one Satyaban Majhi, who is the owner of such consignment, has been enlarged on bail by the learned trial court. On such ground, learned counsel for the Petitioner submitted that since the Petitioner was an employee in the vehicle in which the contraband cough syrup was being transported illegally, it cannot be conclusively said that the contraband article was recovered from the exclusive and conscious possession of the present Petitioner or that he is the owner of such consignment. On such ground, learned counsel for the Petitioner submitted that the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the Petitioner's case. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition that would be imposed by this Court while the Petitioner release on bail.

5. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the release of 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. Learned Additional Standing Counsel submitted that 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 surrounding facts and circumstances of the present case as well as the fact that the Petitioner was working as a driver in the vehicle in question which was involved in illegal transportation of the contraband article and further taking note of the period of custodial detention of the Petitioner as well as the fact that the charge sheet has already been filed and one of the co-accused has already been released on bail, 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.45,000/-(Rupees Forty-five thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. 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.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify the criminal antecedent of the Petitioner. 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.

9. The BLAPL is, accordingly, disposed of.

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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: 06-Nov-2026 19:50:36