IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7709 of 2026
CNR No. ODHC010552432026

Badal Mahakud **.....** ***Petitioner***

Represented by Adv.
- Soumya Ranjan Das

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented by Adv.
–

Mr. U. Ch. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
29.10.2026

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 BNSS, 2023 has been filed by the Petitioner for regular bail in connection with T.R Case No.453 of 2024 arising out of Khandagiri P.S Case No.546 of 2024 pending in the Court of learned 2nd Additional Sessions Judge-Cum-Special Judge, Bhubaneswar for alleged commission of offences punishable under Sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

4. Learned counsel for the Petitioner submits that the Petitioner has been in custody since 13.08.2024. It is further submitted that, in the meantime, the investigation has been concluded and the final charge-sheet has been filed. Learned counsel for the Petitioner, at this juncture, points out that out of 23 prosecution witnesses, only 2 have been examined so far. It is contended that the Petitioner has been languishing in custody for more than two years and three months, and there is no likelihood of the trial being concluded in the near future. It is further brought to the notice of this Court that the Petitioner has no similar criminal antecedents, belongs to the locality, and there is no likelihood of his absconding. Referring to the allegations leveled by the prosecution, learned counsel for the Petitioner submits that, as per the prosecution case, a total quantity of 101 Kgs. of Ganja was recovered from two persons while being transported in a van. Learned counsel, at this juncture, disputes the seizure of the alleged contraband article from the exclusive possession of the Petitioner. Accordingly, it is argued that the bar under Section 37 of the N.D.P.S. Act would not be strictly applicable to the facts and circumstances of the present case. Learned counsel for the Petitioner further places reliance on the judgment of the Hon'ble Supreme Court in ***Rabi Prakash v. State of Odisha (SLP (Crl.) No. 4169 of 2023, dated 13.07.2023***). In view of the aforesaid submissions, learned counsel contends that there is no likelihood of the trial being concluded in the near future and, therefore, prays that the Petitioner be released on bail on such terms and conditions as this Court may deem fit and proper. The Petitioner undertakes to abide by all such

terms and conditions as may be imposed by this Court while granting 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 they might be involved in similar criminal offences. Learned Additional Standing Counsel submitted that considering the nature of allegation and the contraband used in the present case, the release of the Petitioner would be 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 and taking note the fact that only two witnesses out of twenty three witnesses have been examined so far and further keeping the view the period of detention of the Petitioner in custody and the fact that the Petitioner does not have any similar criminal antecedents, this Court is inclined to release the Petitioners 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 a bail bond of Rs.50,000/-(Rupees Fifty thousand) with two local solvent sureties 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.

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

Violation of any of the conditions shall entail cancellation of the bail application.

10. The BLAPL is, accordingly, disposed of.

(ADITYA KUMAR MOHAPATRA)
Judge

Utkalika

Signature Not Verified
Digitally Signed
Signed by: UTKALIKA NAYAK
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Oct-2026 16:47:44