IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9496 of 2026
CNR No. ODHC010599032026

Susanta Bagh **.....** ***Petitioner***

Represented by Adv. -
Purna Chandra Das,
Sitikant Mishra

-versus-

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

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

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

ORDER
28.10.2026

Order No.

01. 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.50 of 2024, arising out of Gochhapada P.S. Case No.29 of 2024, pending in the Court of learned Special Judge, Phulbani for alleged commission of offence punishable under Sections 20(b)(ii)C 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 23.07.2026. He further contended that the investigation has been concluded and final charge sheet has been filed on 27.04.2025. 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.

5. Further referring to the allegation made in the FIR, learned counsel for the Petitioner submitted that as per the prosecution allegation, a total quantity of 800 kg of contraband Ganja was recovered from the forest. He further submitted that since the Petitioner and another person were sitting nearby the place the where the contraband articles were kept, the accused persons were chased and arrested by the police. He further contended that nothing has been recovered from the conscious & exclusive possession of the Petitioner. Such fact coupled with the fact that the Petitioner does not have any similar criminal antecedent, learned counsel for the Petitioner asserted that the bar under Section 37 of the N.D.P.S. Act is not 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.

6. 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 of gravity and seriousness of the allegation. He further contended that such type of illegal trafficking of contraband articles are on the rise of the State of Odisha. Therefore, no leniency should be shown to the accused persons who are involved in such type of crime. In the context of the

present case, learned counsel for the State further submitted that although the seizure list does not indicate that the contraband articles were recovered from the conscious & exclusive possession of the Petitioner, however, the Petitioner was present nearby the contraband articles which were kept inside a dense forest. Therefore, he has been arrested and implicated in the present case. On such ground, learned counsel for the State submitted that the involvement of the present Petitioner cannot be ruled out at this stage and, accordingly, learned counsel for the State prayed for rejection of the bail of the Petitioner at this juncture.

7. 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 circumstances leading to seizure of the contraband articles which were admittedly from inside a dense forest and the seizure list is silent about the fact that such recovery was made from the exclusive and conscious possession of the present Petitioner, this Court is of the view that in the absence of any similar criminal antecedent cannot be presumed that such recovery was made from the exclusive and conscious possession of the present Petitioner. Thus, there exists a doubt with regard to the applicability of the Section 37 of NDPS Act to the facts of the present case. Further taking note of the fact that the Petitioner does not have any criminal antecedent and in the meantime charge sheet has been filed and that the possibility of the trial being commenced in the near future is very bleak, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

8. 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 solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

9. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. While imposing conditions, learned Court in seisin over the matter shall also impose the following conditions: -

I) the Petitioner shall not be involved in any offence of similar nature while on bail;

II) the Petitioner shall not tamper with the prosecution evidence in any manner whatsoever;

III) the Petitioner shall not leave the jurisdiction of the court in seisin over the matter without prior permission of the court in seisin over the matter; and

IV) the Petitioner shall appear before the learned trial court during trial on each date of posting, unless his personal appearance is dispensed with by the learned trial court.

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

10. 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.

11. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Oct-2026 11:39:50