IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9465 of 2026
CNR No. ODHC010602162026

Jatin Kumar Behera **.....** ***Petitioner***

Represented by Adv. - Sitikant Mishra

-versus-

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

Mr. U.C. Jena, ASC

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

ORDER
27.10.2026

Order No.

02. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Jashipur P.S. Case No.16 of 2025, corresponding to Spl. G.R. Case No.02 of 2025, pending before the learned Additional Sessions Judge, Karanjia, for alleged commission of offence punishable under Section 20(b)(ii)(C) of N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 15.01.2025. He further submitted that in the meantime the charge-sheet has been filed on 04.07.2025. Learned counsel for the Petitioner further contended that although in the meantime the trial has commenced, however, only four

witnesses have been examined out of a total number of 28 prosecution witnesses. In such view of the matter, learned counsel for the Petitioner contended that there is no possibility of early conclusion of the trial.

5. Learned counsel for the Petitioner further contended that the Petitioner does not have any similar criminal antecedent and that the seizure of the contraband from the exclusive and conscious possession of the present Petitioner was seriously disputed by the learned counsel for the Petitioner. He further contended that the Petitioner belongs to the locality, and in the absence of any similar criminal antecedent, the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the present case. He further contended that although the Petitioner is in custody for almost two years, however, there is no chance of trial being commenced in the near future. On such ground, learned counsel for the Petitioner contended that such prolonged trial violates the Petitioner's right to a speedy trial which has already been well established by the Hon'ble Supreme Court in the case of ***Hussainara Khatoon & Ors. v. State of Bihar*** reported in ***(1980) 1 SCC 81*** as well as in the case of ***Dheeraj Kumar Shukla v. State of Uttar Pradesh*** reported in ***2023 SCC OnLine SC 918***.

6. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner on the ground of gravity and seriousness of the application. He further submitted that in the event the Petitioner is released on bail, there is every likelihood that he might abscond which would eventually cause delay in conclusion of such trial. In such view of the matter, he submitted that the bail application of the Petitioner be rejected 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, further keeping in view the period of detention of the Petitioner in jail custody, and the fact that only four witnesses out of total 28 witnesses have been examined so far, and the fact that the Petitioner belongs to the locality and that he does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail subject to the Petitioner furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner be subject to the condition that the court below shall verify the criminal antecedent of the Petitioner. In the event the Petitioner is having any similar criminal antecedent, then this bail order shall automatically stand revoked.

9. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 17:52:52