IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8304 of 2026
CNR No. ODHC010610382026

Asin Kumbhar **.....** ***Petitioner***

Represented by Adv. - Prasanna Kumar Mohanty

-versus-

State of Odisha **.....** ***Opposite Party***

Represented by Adv. - Mr. U.C.Jena, A.S.C.

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

ORDER

Order No. **29.10.2026**

01. 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 the B.N.S.S. has been filed by the Petitioner for regular bail in connection with Special G.R. Case No.40 of 2026, arising out of Tarva P.S. Case No.127, dated 12.04.2026, pending in the Court of learned Special Judge, Sonepur for alleged commission of offence punishable under Sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been in custody since 10.06.2026. He further submits that, although the investigation has progressed substantially in the meantime, he has no instructions as to whether the charge sheet has been filed. Learned counsel for the Petitioner further contended 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 allegations made in the F.I.R., learned counsel for the Petitioner contended that, as per the prosecution case, a total quantity of 72 kg 930 grams of contraband Ganja was recovered from a bushy jungle. He further submitted that the Petitioner was neither present at the spot of occurrence nor was any contraband recovered from his exclusive and conscious possession. It was further vehemently contended that the Petitioner has been implicated in the present case solely on the basis of the statement of a co-accused. In this regard, learned counsel for the Petitioner, placing reliance on the judgment of the Hon'ble Supreme Court in ***Tofan Singh v. The State of Tamil Nadu,*** reported in ***(2013) 16 SCC 31***, submitted that such a statement of a co-accused cannot be relied upon as substantive evidence against the present Petitioner.

6. Learned counsel further submitted that, having regard to the period of custodial detention undergone by the Petitioner, the absence of any criminal antecedents and the fact that no contraband was recovered from his exclusive and conscious

possession, the bar under Section 37 of the NDPS Act would not be attracted in the present case. He, accordingly, prayed that the Petitioner be released on bail on such stringent terms and conditions as this Court may deem fit and proper.

7. 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 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.

8. 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 further keeping the view the period of detention of the Petitioner in jail custody and the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

9. 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 for the like amount to the satisfaction of the Court in seisin over the matter.

10. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

11. 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 antecedent of similar nature. In the event it is found that the Petitioner is having any similar criminal antecedent, this bail order shall automatically stand revoked.

12. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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