IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8713 of 2026
CNR No. ODHC010637052026

Ratan Monal **.....** ***Petitioner***

Represented by Adv. - Aparesh Bhoi

-versus-

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

Represented by Adv. – Ms. S. Nayak, ASC

BLAPL No.11041 of 2026
CNR No. ODHC010806842026

Balaram Gouda @ Bala **.....** ***Petitioner***

Represented by Adv. - Sidhartha Sankar Ray (2)

-versus-

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

Represented by Adv. - Ms. S. Nayak, ASC

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

Order No. **ORDER**
09.11.2026

02. 1. These matters are taken up through Hybrid Arrangement (Virtual/ Physical Mode).

2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the materials placed before this Court.

3. Since both the bail applications have arisen out of the same F.I.R. and almost identical factual background and they have implicated in the 2nd charge-sheet during the extended period of investigation, their matters are taken up together for hearing and the

same be disposed of by the following common orders.

4. The present bail application under Section 483 of B.N.S.S., 2023 have been filed by the Petitioners for regular bail in connection with T.R. Case No.36 of 2025 arising out of STF (CID, CB. Bhubaneswar) PS Case No.2 of 2025 pending in the Court of learned District & Sessions Judge-Cum-Special Judge, Khorda at Bhubaneswar for the alleged commission of offence punishable under Sections 20 (b) (ii) (C), 25 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

5. It is stated by the learned counsels for the Petitioners that the Petitioner i.e. Ratan Monal in BLAPL No.8713 of 2026 is in custody since 11.07.2026. Similarly, the Petitioner i.e. Balaram Gouda @ Bala in BLAPL No.11041 of 2026 is in custody since 05.06.2026. The learned counsel for the Petitioners at this stage contended that initially the name of the Petitioners were not in the F.I.R. and they have been implicated subsequently during the extended period of investigation. He further contended that the Petitioners have been implicated on the basis of the materials collected during investigation, including the materials relating to the confiscation and seizure from some of the co-accused persons.

6. The learned counsel appearing for both the Petitioners further contended before this Court that they do not have any similar criminal antecedent and they belong to the locality. Therefore, there is no chance of absconding. In such view of the matter, learned counsels for the Petitioners submitted that the Petitioners be released on bail on any terms and conditions that would be imposed by this Court while the Petitioner release on bail.

Further referring to the allegations made in the F.I.R., the

learned counsel for the Petitioners contended that as per the prosecution allegation the total quantity of contraband Ganja i.e. 101 K.Gs. has been transported by some of the co-accused persons. He further submitted that, such co-accused persons were arrested at the spot and the contraband ganja was recovered from the exclusive and conscious possession. Therefore, bar under Section 37 would be directly applicable to such co-accused persons.

So far as the present Petitioners are concerned, it is stated by the learned counsels for both the Petitioners that the Petitioners were arrested subsequently and that they were neither present at the spot or nothing has been recovered from their exclusive and conscious possession. Therefore, the bar under Section 37 would be not attracted to the fact of the present case against the Petitioners. On such grounds the learned counsel for the Petitioners contended that the Petitioner may be enlarged on bail.

7. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioners on bail on the ground of gravity and seriousness of allegations. The learned counsel for the State further submitted that so far as the present petitioners are concerned, they have been implicated on the basis of the materials collected in course of investigation. She further specifically submitted that C.D.R. details have been obtained and present Petitioners have been linked with the principal accused persons, who were arrested at the spot along with the contraband ganja. In such way the matter, the learned counsel for the State contended that the Petitioners were involved in such illegal transportation of contraband article. Therefore, she submitted that the prayer for bail of the Petitioners be rejected at this juncture.

8. Having heard the learned counsel appearing for the respective parties and on careful examination of the surrounding facts and circumstances of the present case and the specific allegations against the Petitioners, however, keeping in view the period of detention of the Petitioners in jail custody, the fact that the final charge-sheet has already been filed, the fact that the Petitioners do not have any criminal antecedents and further that the bar under Section 37 of the N.D.P.S. Act would not be attracted in the present case in so far as the Petitioners are concerned, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

9. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(Rupees Fifty Thousand) each with two local solvent sureties each 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. Violation of any of the conditions shall entail cancellation of the bail application.

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

12. The BLAPL is, accordingly, disposed of.

Urgent certified copy of this order be granted as per rules.

Signature Not Verified
Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Nov-2026 16:06:59

(Aditya Kumar Mohapatra)
Judge