IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8622 of 2026
CNR No. ODHC010639402026

Nandu Nayak **.....** ***Petitioner***

Represented by Adv. – Mr. Lalatendu Samantaray, Senior Advocate along with Mr.Ronalisha Pradhan

-versus-

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

Represented by Adv. –

Mr. U.C. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
03.10.2026

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned Senior Counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with T.R. No.159 of 2025, arising out of Jatni P.S. Case No.147 of 2025, pending in the court of learned 3rd Additional District & Sessions Judge, Bhubaneswar, for alleged

commission of offence punishable under Section 21(b) of the NDPS Act.

4. It is submitted by the learned Senior Counsel appearing for the Petitioner that the Petitioner is languishing in jail custody since 02.04.2026. He further submitted that, in the meantime, investigation has been concluded and the final charge sheet has been filed. He further contended that although the final charge sheet has been filed, however the trial has not yet commenced. It was further submitted that there is no possibility of the trial being commenced in the near future. On such grounds, learned Senior Counsel appearing for the Petitioner submitted that the Petitioner be enlarged on bail on any stringent terms and conditions.

5. Learned Senior Counsel appearing for the Petitioner further referring to the allegation made in the F.I.R., submitted before this Court that, as per the prosecution allegation, a total quantity of 16 Grams of contraband brown sugar was recovered from the possession of the present Petitioner. He further contended that such recovery of the contraband article from the exclusive and conscious possession of the Petitioner is seriously disputed by the Petitioner. He further contended that although the Petitioner is having similar criminal antecedents, however he is ready and willing to abide by any stringent terms and conditions that would be imposed by this Court in the event he is released on bail. It was also brought to the notice of this Court that the Petitioner belongs to the locality, therefore, there

is no chance of his absconding. Further, referring to the quantity of contraband article seized from the possession of the present Petitioner, learned Senior Counsel appearing for the Petitioner contended that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the Petitioner's case.

6. Learned counsel for the State, 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 in the event the Petitioner is released on bail, there is every possibility that he might abscond from justice which would eventually cause delay in conclusion of the trial. He further submitted that the cases of illegal transportation of contraband Ganja are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. On such grounds, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

7. Having regard to the submissions made by the learned counsels appearing for the respective parties and on perusal of the case diary as well as the materials on record, further taking note of the quantity of contraband article seized from the Petitioner, further keeping in view the fact that the Petitioner is languishing in jail custody since 02.04.2026, and that the trial has not yet commenced, this Court is inclined to release the Petitioner on bail.

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 local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. While imposing conditions, the court in seisin over the matter shall also impose the following additional conditions:-

I. He shall not indulge in similar criminal activities while on bail; and

II. He shall appear before the local police station once in a week, preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. for a period two months, thereafter once in a fortnight for a period of three months, thereafter once in a month till conclusion of the trial.

9. 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 imposed either by this Court or the court in seisin over the matter shall entail cancellation of the bail.

10. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Signature Not Verified
Digitally Signed *Debasis*
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Nov-2026 13:34:24