IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8836 of 2026
CNR No. ODHC010652152026

Runja Kanhar ..... ***Petitioner***

Represented by Adv. - Biswajit Ranjan Tripathy

-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. **31.10.2026**

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 B.N.S.S. has been filed by the Petitioner for regular bail in connection with Baunsuni P.S. Case No.15 dtd 27.01.2026, arising out of Special Case No.27 of 2026 (NDPS act), pending in the Court of learned Sessions Judge-Cum-Special Judge, Boudh 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 27.01.2026. He further contended that in the meantime, investigation has been concluded and the final charge sheet has been filed on 30.04.2026. He further submitted that the Petitioner does not have any similar criminal antecedent. He further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding.

5. 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 41 kg 800 grams of contraband Ganja was recovered from the auto-rickshaw driven by the Petitioner. He further submitted that, at the time of the police raid, two other passengers were also present in the auto-rickshaw; however, they managed to flee from the spot. Learned counsel for the Petitioner further submitted that the Petitioner, being the driver of the auto-rickshaw, was not aware of the contents of the bags in which the contraband articles were allegedly kept. In the aforesaid factual backdrop, learned counsel contended that it cannot be conclusively established, at this stage, that the contraband articles were recovered from the exclusive and conscious possession of the present Petitioner. In such view of the matter, learned counsel further contended that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case, particularly keeping in view the fact that the Petitioner does not have any criminal antecedent of a similar nature. On such ground, learned counsel for the Petitioner

submitted that the Petitioner be released on bail on any terms and condition which the Petitioner undertakes to abide by while 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 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.

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 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.

8. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand) with two local 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.

10. 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.

11. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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