IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8842 of 2026
CNR No. ODHC010655322026

Rajesh Khana Digal ..... ***Petitioner***

Represented by Adv. –
Mr. Suryakanta Dwibedi

-versus-

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

Represented by Adv. –

Mr. M.K. Mohanty, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
05.11.2026

Order No.

02. 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 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 C.T. Case No.165 of 2026, arising out of Sarangada P.S. Case No.113 of 2026, pending in the court of learned Additional Sessions Judge-cum-Special Judge, Balliguda, for alleged commission of offences punishable under Sections 20(b)(ii)(C) of the N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 14.08.2026. He further submitted that although investigation has progressed substantially, however charge sheet has not been filed. He further submitted that the although Petitioner is having one similar criminal antecedent, 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. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. Further, referring to the allegation made in the F.I.R., learned counsel for the Petitioner submitted that a total quantity of 26 Kgs. 900 grams of contraband Ganja was recovered in this case. Learned counsel for the Petitioner emphatically submitted that nothing has been recovered from the exclusive and conscious possession of the present Petitioner. Further, referring to the seizure list, learned counsel for the Petitioner contended that the contraband articles were seized from an abandoned vehicle, which was parked in the road side. In such view of the matter, learned counsel for the Petitioner contended that the bar under Section 37 of the N.D.P.S. Act would be attracted to the facts of the Petitioner's case. Accordingly, a prayer was made to release the Petitioner on bail on any terms and conditions as would be deemed just and proper by this Court.

5. 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 investigation as well as filing of the charge sheet. 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.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the circumstances leading to the recovery of the contraband article from the abandoned vehicle, further taking note of the fact that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the Petitioner's case, this Court is inclined to release the Petitioner on bail.

7. 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. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner

shall be 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 more than one criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 09-Nov-2026 16:12:56