IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8997 of 2026
CNR No. ODHC010663462026

Kapil Raghav & Anr. ..... ***Petitioners***

Represented by Adv. - Sejal Nayak

-versus-

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

Represented by Adv. -Mr. T.K.Acharya, A.S.C.

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

ORDER

Order No. **04.11.2026**

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

2. Heard learned counsel appearing for the Petitioners 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 Petitioners for regular bail in connection with T.R. Case No.14 of 2026, arising out of Gunpur P.S Case No.39 dated 13.02.2026, pending in the Court of learned Additional Sessions Judge-Cum-Special Judge, Gunupur for alleged commission of offence punishable under Sections 20(b)(ii)C/ 25/ 29 of the N.D.P.S. Act.

4. Learned counsel for the Petitioners submits that the

Petitioners have been in custody since 13.02.2026. She further contends that, in the meantime, the investigation has been completed and the final charge-sheet has been filed. It is, however, submitted that despite filing of the charge-sheet, the trial has not yet commenced and the Petitioners continue to languish in custody. She also fairly contended that, although the Petitioners do not belong to the State of Odisha, he is ready and willing to abide by any stringent terms and conditions that may be imposed by this Court in the event of their release on bail.

5. Referring to the allegations made in the F.I.R., learned counsel for the Petitioners contended that a total quantity of 29 kg 700 grams of contraband Ganja was allegedly recovered from three persons, including the present Petitioners. She further submitted that the alleged recovery was effected from the platform of a railway station, where the Petitioners and the other co-accused persons were stated to be standing near the packets containing the contraband articles.

6. In such circumstances, learned counsel for the Petitioners contended that, since the alleged contraband articles were recovered from a public place and not from the exclusive possession of the present Petitioners, there is no conclusive material to establish their conscious and exclusive possession of the same. On such ground, learned counsel for the Petitioners further contended that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case.

7. She further contended that the Petitioner No.2 is a lady

and that she has been languishing in custody for a long time. Accordingly, learned counsel for the Petitioners prayed that both the Petitioners be enlarged on bail on such stringent terms and conditions as this Court may deem fit and proper.

8. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioners on the ground that such cases are increasing day-by-day and no leniency should be shown to the Petitioners. He further submitted that the Petitioners belong to State of U.P., therefore, release of the Petitioners be difficult to ensure the appearance of the Petitioners before the Trial Court during trial. In such view of the matter, he submitted that the bail application of the Petitioners be rejected at this juncture.

9. 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 Petitioners in jail custody and the fact that the Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

10. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand) each with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter subject to the following terms and conditions:

I) The Petitioners shall also file an affidavit before the Trial Court with regard to indicating there their residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioners shall be subject to verification of such details as would be furnished by any relative of the Petitioners in the shape of an affidavit.

II) They shall not be involved in any offence of similar nature while on bail;

III) They shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;

IV) They shall not make any default in attending the court during trial on each date without fail;

V) They shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of the trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

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

12. It is further directed that the bail granted to the Petitioners is subject to the condition that the court below shall verify

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

13. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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