IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8998 of 2026
CNR No. ODHC010663552026

Bailochan Sabar **.....** ***Petitioner***

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 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 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 Petitioner submits that the

Petitioner has 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 Petitioner continue to languish in custody. She further submitted that the Petitioner does not have any similar criminal antecedent and that he 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 a total quantity of 29 kg 700 grams of contraband Ganja was allegedly recovered from three persons, including the present Petitioner. She further submitted that the alleged recovery was effected from the platform of a railway station, where the Petitioner 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 Petitioner contended that, since the alleged contraband articles were recovered from a public place and not from the exclusive possession of the present Petitioner, there is no conclusive material to establish his conscious and exclusive possession of the same. On such ground, learned counsel for the Petitioner further contended that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case. Accordingly, learned counsel for the Petitioner prayed that the

Petitioner be enlarged on bail on such stringent terms and conditions as this Court may deem fit and proper.

7. 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.

8. 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.

9. 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.

Violation of any of the terms and conditions shall entail

cancellation of bail.

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

11. 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.

12. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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