IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8862 of 2026
CNR No. ODHC010669602026

Basanta Majhi & Anr. ..... ***Petitioners***

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. **29.10.2026**

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 the B.N.S.S. has been filed by the Petitioners for regular bail in connection with G.R. Case No.67 of 2026, arising out of Adava P.S. Case No.156 of 2026, pending in the Court of learned Sessions Judge-Cum-Spl., Judge, Gajapati, for alleged commission of offence punishable under Sections 20(b)(ii)C/25/29 of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioners

that the Petitioners have been in custody since 02.07.2026. He further submitted that the Petitioners do not have any similar criminal antecedent and they belong to the locality, therefore, there is no chance of their absconding.

5. Further, referring to the allegations made in the F.I.R., learned counsel for the Petitioners submitted that a total quantity of 23 kg of contraband Ganja was allegedly recovered from two persons. In such view of the matter, while seriously disputing the alleged recovery of the contraband from the exclusive and conscious possession of the present Petitioners, learned counsel contended that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case. On the aforesaid grounds, learned counsel for the Petitioners prayed for their release on bail.

6. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioners on bail on the ground that in the event the Petitioners is released on bail, there is a possibility that they 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 Petitioners 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 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.

8. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bonds 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.

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 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.

11. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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