IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9325 of 2026
CNR No. ODHC010699932026

Rasananda Nayak @ Babula **.....** ***Petitioner***

Represented by Adv. - Biswajit Ranjan Tripathy

-versus-

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

Represented by Adv. - Mr. S.K.Rout, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **26.11.2026**

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 G.R. Case No.79 of 2026, arising out of Mohana P.S. Case No.150 of 2026, pending in the Court of learned Sessions Judge-cum-Spl. Judge, Gajapati, At- Paralakhemundi for alleged commission of offence punishable under Sections 20(b)(ii)C/29 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 26.07.2026. He further contended that, in the meantime, investigation has been concluded and final PR has been submitted. He further contended that the Petitioner does not have any criminal antecedent and that he belongs to the locality, therefore there is no chance of his absconding.

5. Further 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 44 kg of contraband Ganja was recovered from the possession of two accused persons. He further submitted that, so far as the present Petitioner is concerned, his implication in the case is solely based on the statement of the co-accused. In the aforesaid context, learned counsel for the Petitioner referred to the judgment of the Hon'ble Supreme Court in ***Tofan Singh v. The State of Tamil Nadu,*** reported in ***(2013) 16 SCC 31,*** and contended that such a statement of the co-accused cannot be relied upon against the present Petitioner. It was further contended that no contraband article has been recovered from the exclusive and conscious possession of the present Petitioner. Accordingly, learned counsel submitted that the bar under Section 37 of the NDPS Act would not be attracted in the facts and circumstances of the present case. In such view of the matter, 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 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.45,000/- (Rupees Forty-Five Thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

9. 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. In the event it is found that the Petitioner is having any criminal antecedent, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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