IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9506 of 2026
CNR No. ODHC010701562026

Girish Kanhar **.....** ***Petitioner***

Represented by Adv. -
Sudhansu Sekhar Dash

-versus-

State of Orissa **.....** ***Opposite Parties***

Smt. S. Nayak, ASC

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

ORDER
28.10.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to P.R. Case No.316 of 2025-26, corresponding to 2(a)CC Case No.06 of 2026, pending before the learned Special Judge, Phulbani, for alleged commission of offence punishable under Section 20(b)(ii)(C) of N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 28.02.2026. He further contended that in the meantime the investigation has been concluded and the final P.R. has been submitted. Further, referring to the allegation

made in the FIR, learned counsel for the Petitioner contended that a total quantity of 42 Kgs. of contraband Ganja was recovered from the road side. He further submitted that although the seizure was made on 25.02.2026, however, the Petitioner was arrested subsequently on 28.02.2026 in connection with the present case. In the aforesaid factual backdrop, learned counsel for the Petitioner contended that it cannot be said that the alleged contraband Ganja was recovered from the exclusive and conscious possession of the present Petitioner. Therefore, the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the present case. He further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. He further submitted that the Petitioner does not have any similar criminal antecedent. In such view of the matter, learned counsel for the Petitioner contended that the Petitioner is ready and willing to abide by any terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner. She further contended that taking into consideration the fact that such cases are increasing day-by-day in the State of Odisha, no leniency should be shown to the petitioner. In such view of the matter, she submitted that the bail application of the Petitioner be rejected at this juncture.

6. 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, further keeping in view the period of detention of the Petitioner in jail custody, and the fact that the bar under Section 37 of NDPS Act would not be attracted to

the facts of the present case, and the fact that the Petitioner belongs to the locality and that he does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail subject to the Petitioner furnishing bail bond of Rs.45,000/- (Rupees Forty-Five Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is further directed that the bail granted to the Petitioner be subject to the condition that the court below shall verify the criminal antecedent of the Petitioner. In the event the Petitioner is having any similar criminal antecedent, then this bail order shall automatically stand revoked.

8. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 29-Oct-2026 18:14:21