IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9513 of 2026
CNR No. ODHC010708722026

Kalpana Behera and others **.....** ***Petitioners***

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 Petitioners 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 Petitioners for regular bail relating to Khordha Model P.S. Case No.495 of 2026, corresponding to T.R. Case No.156 of 2026, pending before the learned 1st Additional Sessions Judge-cum-Special Judge, under NDPS Act, Khordha, for alleged commission of offence punishable under Sections 20(b)(ii)(C), 29 of N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 22.08.2026. He further contended that in the meantime the investigation has progressed

substantially and the final charge-sheet is likely to be filed soon. He further contended that the Petitioners belong to the locality, therefore, there is no chance of their absconding. He further submitted that the Petitioners do not have any criminal antecedent.

5. Further, referring to the allegation made in the FIR, learned counsel for the Petitioners contended that a total quantity of 39.5 Kgs. of contraband Ganja has been recovered from near a park. He further contended that the Petitioners were standing nearby the park whereas the contraband article was recovered. He further contended that the contraband article weighing 39.5 kgs. was recovered from five accused persons, therefore, the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the present case. In such view of the matter, learned counsel for the Petitioners contended that the Petitioners are 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.

6. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioners. 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 petitioners. In such view of the matter, she submitted that the bail application 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, further keeping in view the period of detention of the Petitioners 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 Petitioners belong to the locality and that they do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail subject to each of the Petitioners furnishing bail bond of Rs.40,000/- (Rupees Forty 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 Petitioners 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.

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

9. 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 18:14:22