IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9587 of 2026
CNR No. ODHC010708822026

Sk Mostakim ..... ***Petitioner***

Represented by Adv.
- Somanath Mitra

-versus-

State Of Odisha ..... ***Opposite Party***

Represented by Adv. –
B.K. Sahu, A.G.A.

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

ORDER
29.10.2026

Order No.

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

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate 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.173 of 2026, arising out of BBSR GRPS Case No.43 of 2026, pending in the Court of learned 3rd Additional Sessions Judge, Bhubaneswar for alleged commission of offence punishable under Sections 20(b)(ii)C of the N.D.P.S. Act.

4. It is stated by learned counsel for the Petitioner that earlier the Petitioner has approached this Court by filing BLAPL No.4730 of 2026. A Coordinate Bench of this Court vide order dated 21.05.2026 permitted the bail application of the Petitioner to be

withdrawn with liberty to the Petitioner to move a fresh bail application before the learned Court in seisin over the matter after filing of the charge sheet. He further submitted that the Petitioner was approached the learned Court in seisin over the matter by filing a fresh bail application after submission of the charge sheet.

5. The prosecution case is that, on 09.03.2026 at about 7.56 P.M., the informant/complainant reported at the P.S. alleging that on 08.03.2026 a drive was conducted at Bhubaneswar Railway Station by the S.I. of RPF, Bhubaneswar against the illegal transportation of the contraband items. During such drive, at about 21.05 hours, they noticed three suspected male persons sitting at the corridor near gate no.2 of Bhubaneswar Railway Station with three backpacks. On being asked, they confirmed that they were carrying contraband ganja. They detained them and on being asked, the accused persons disclosed their names. During search, the police personnel found that accused-Dillip Tripathy possessed 4 kgs. 900 grams of contraband ganja and accused-Sk. Rajib possessed 10 kgs. 200 grams of ganja. Hence, the case.

6. Learned counsel for the Petitioner submits that the Petitioner has no similar criminal antecedents. He has also drawn the attention of this Court to the F.I.R. wherein it is alleged that from the possession of the Petitioner, 10 kgs. 100 grams of contraband ganja has been recovered whereas from the co-accused Sk. Rajib, 10 kgs. 200 grams of ganja has been recovered. Hence, net weight about 25 kgs. 200 grams of contraband ganja has been recovered. The petitioner has been in custody since 09.03.2026. Further contends that the Petitioner does not belong to State of Odisha, therefore, the Petitioner is ready and willing shall abide by any terms and

conditions as this Court deems fit and proper in the facts and circumstances of the case.

7. Learned Additional Government Advocate, on the other hand, opposed the bail application of the Petitioner on the ground that such cases are increasing day-by-day and no leniency should be shown to the Petitioner. He further submitted that the Petitioner belongs to State of West Bengal, therefore, release of the Petitioner be difficult to ensure the appearance of the Petitioner before the Trial Court during trial. In such view of the matter, he submitted that the bail application 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, 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.50,000/- (Rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

I) The Petitioner shall also file an affidavit before the Trial Court with regard to indicating there his residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioner shall be subject to verification of such details as would be furnished by any relative of the Petitioner in the shape of an

affidavit.

II) he shall not be involved in any offence of similar nature while on bail;

III) he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;

IV) he shall not make any default in attending the court during trial on each date without fail;

V) he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of the trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

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

11. BLAPL is accordingly disposed of.

12. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 31-Oct-2026 12:59:25