IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9530 of 2026
CNR No. ODHC010712922026

Abhaya Samal **.....** ***Petitioner***

Represented by Adv. - Rajalaxmi Biswal

-versus-

STATE OF ODISHA **.....** ***Opposite Party***

Represented by Adv. – U.C. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
28.10.2026

Order No.

01. 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 C.T. (SPL) (NDPS) Case No.14 of 2026, arising out of P.R. No.144 of 2026-27 dtd.31.08.2026, pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Talcher for alleged commission of offence punishable under Section 20(b)(ii)(B) 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 31.08.2026. He further contended that investigation has progressed substantially and

charge sheet is likely to be filed soon. Learned counsel for the Petitioner at this juncture contended that as per the prosecution allegation allegedly a total quantity of 7.4 kgs of ganja was recovered from the possession of the present Petitioner. Since the quantity is less than the commercial quantity, the bar under Section 37 would not be attracted to the facts of the present case. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. He further submitted that Petitioner does not have any similar criminal antecedent and that he is ready and willing to abide by any stringent terms and conditions that would be imposed by this Court in the event he is released on bail.

5. 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 the nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail 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 and further taking into consideration the fact that the investigation has substantially progressed and charge sheet is likely to be filed soon and that the Petitioner does not have any similar criminal antecedent and the bar under Section 37 of the NDPS Act would not be attracted

taking into consideration the quantity of the contraband articles was seized, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

8. 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 of similar nature. In the event it is found that the Petitioner is having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

Urgent certified copy of this order be granted as per rules in course of the day.

(A.K. Mohapatra)
Judge

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 28-Oct-2026 19:19:33