IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9466 of 2026

CNR No. ODHC010713372026

Jahirul Islam ..... ***Petitioner***

Represented by Adv. - Jyotirmaya Sahoo

-versus-

State Of Odisha ..... ***Opposite Parties***

Smt. S. Nayak, ASC

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

ORDER
27.10.2026

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. No.131 of 2026-27, corresponding to T.R. Case No.157 of 2026, pending before the learned 1st Addl. Sessions Judge-cum-Special Judge under NDPS Act, Khurda, 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 23.08.2026. He further submitted that in the meantime the investigation has progressed substantially and the final charge-sheet is likely to be filed soon. Further, referring to the allegation made in the FIR, learned counsel for the Petitioner contended that a total quantity of 20.5 Kgs. of contraband Ganja has been recovered from the present Petitioner. He further contended that the bar under Section 37 of N.D.P.S. Act would not be attracted as the seized contraband article is seriously disputed by present Petitioner. He further submitted that the Petitioner does not have any similar criminal antecedent. He further submitted that although the Petitioner does not belong to the State of Odisha, however, he 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. He 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, he 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 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.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 subject to the following terms and conditions:

I) The Petitioner shall also file an affidavit before the Trial Court with regard to 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;

VI) he shall not leave the jurisdiction of 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: 28-Oct-2026 17:52:52