IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9446 of 2026
CNR No. ODHC010713602026

Prabhat Sahu @ Boby **.....** ***Petitioner***

Represented by Adv. -
Amit Sujat Biswal

-versus-

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

Represented by Adv. –
P. Satpathy, A.S.C.

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 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 G.R. Case No.45 of 2026-27, arising out of Tarava P.S. Case No.137 of 2026, pending in the Court of learned District and Sessions Judge-cum-Special Judge, Sonepur for alleged commission of offence punishable under Sections 20(b)(ii)B/29 of the N.D.P.S. Act read with Sections 25, 27 of the Arms Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 21.04.2026. He further contended that as per the F.I.R. allegation the quantity of ganja seized, i.e., 15

kgs 792 gms, which was recovered from the conscious & exclusive possession of the three accused persons, which is less than the commercial quantity, a bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case. He further submitted that the Petitioner is having one similar criminal antecedents. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition that would be imposed by this Court while the Petitioner release 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 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 keeping the view the period of detention of the Petitioner in jail custody, 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 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. While imposing conditions, learned trial court shall impose the following conditions: -

i) He shall appear before the learned trial Court on each date on which the case is posted for trial and in the event of his default on any one occasion, the learned trial Court shall issue coercive process to ensure his presence and the concession granted by this Court shall stand cancelled;

ii) He shall not tamper and/or attempt to tamper with the evidence in any manner whatsoever;

iii) He shall not commit any offence while on bail; and

iv) He shall be released on bail subject to further verification of antecedents.

In the event, the Petitioner is found deviating from any of the bail conditions imposed by this Court and/or the learned trial Court even on a single occasion, the prosecution is at liberty to move appropriate step to apprehend the accused-Petitioner.

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 more than one similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. It is further directed that the bail granted to the Petitioner shall be subject to depositing a cash security of Rs.3,000/- (Rupees Three Thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing

account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

11. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 18:49:28