IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9485 of 2026
CNR No. ODHC010713862026

Jay Prakash Mohapatra **.....** ***Petitioner***

Represented by Adv. - M/s. Guru Prasad Behera, B.behera, G.padhi, (jayanta Kumar Majhi)

-versus-

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

Represented by Adv. – D.K. Sahoo, A.G.A.

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 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 Spl. Case No.230 of 2026, arising out of Basta P.S. Case No.350 of 2026, pending in the Court of learned Sessions Judge-cum-Special Judge, Balasore for alleged commission of offence punishable under Sections 21(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 02.07.2026. He further contended that the investigation has progressed and final charge sheet is likely to be filed very soon. He further submitted that the Petitioner does not have any similar criminal antecedents and that he belongs to the locality, therefore, there is no chance of his absconding. Further referring to the allegation made in the FIR, learned counsel for the Petitioner contended that as per the prosecution allegation, a total quantity of 26 gms of brown sugar was recovered from the accused persons. However, he further submitted that nothing has been recovered from the conscious & exclusive possession of the present Petitioner. Therefore, the bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case. 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 fact that nothing has been recovered from the conscious &

exclusive possession of the present Petitioner 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.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/-(Rupees Forty 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. 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 shall be subject to the verification of the fact that nothing has been recovered from the conscious & exclusive possession of the present Petitioner and that the Petitioner does not have any similar criminal antecedent. In the event it is found that the aforesaid two facts are wrong, then this bail order shall automatically stand revoked.

10. 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: 30-Oct-2026 11:39:49