IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9987 of 2026
CNR No. ODHC010713912026

Kamalakanta Behera @ Kalia **.....** ***Petitioner***

Represented by Adv. - M/s.Satyabrata Dash, R.k.sarangi, 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 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 languishing in jail custody since 01.07.2026. He

further contended that in the meantime investigation has progressed and final charge sheet is likely to be filed very soon. Further, referring to the allegation made in the F.I.R., learned counsel for the Petitioner submitted that allegedly 26 grams of brown sugar was recovered from the possession of the present Petitioner. Learned counsel for the Petitioner seriously disputed such recovery from the exclusive and conscious possession of the present Petitioner. He further contended that taking into consideration the quantity of the contraband article allegedly recovered from the possession of the present Petitioner, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case. He further contended that the Petitioner does not have any similar criminal antecedent. He further submitted that Petitioner belongs to the locality, therefore, there is no chance of his absconding. On such ground, learned counsel for the Petitioner submitted that the Petitioner be enlarged on bail on any stringent terms and conditions.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground that allegations made against the Petitioner are serious in nature. He further contended that in the event the Petitioner is released on bail, there is every likelihood that he might abscond from justice which would eventually cause delay in conclusion of the trial. He further submitted that the cases of illegal transportation of contraband article are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. In such view of the matter, it is submitted that the prayer for bail of the Petitioner be rejected.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case, further taking note of the period of custodial detention of the present Petitioner and that Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail.

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. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the condition shall entail cancellation of bail.

8. 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 criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

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, Cuttack
Date: 30-Oct-2026 11:39:49