IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9563 of 2026
CNR No. ODHC010714312026

Sanjit Bhukta ..... ***Petitioner***

Represented by Adv. -
Biswajit Ranjan Tripathy

-versus-

State of Odisha ..... ***Opposite Party***

Represented by Adv. –
Mr. M.K.Mohanty,
A.S.C.

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

ORDER

Order No. **29.10.2026**

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. This is an application under Section 483 of B.N.S.S. filed by the Petitioner for bail in connection with Boudh P.S. Case No.42 of 2026 corresponding to Special Case No.21 of 2026 (NDPS Act), pending in the Court of the learned Sessions Judge-cum-Special Judge, Boudh for alleged commission of offence under Section 20(b)(ii)C of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner

that the Petitioner has been in custody since 25.01.2026. He further submits that, in the meantime, the charge sheet has been filed and the trial has commenced. However, out of 11 prosecution witnesses, only 3 witnesses have been examined so far. Therefore, there is no likelihood of conclusion of the trial in the near future. Learned counsel for the Petitioner further contends that the Petitioner is a first-time offender and has no criminal antecedents. It is also brought to the notice of this Court that the Petitioner belongs to the locality, therefore, there is no chance of his absconding.

5. With regard to the allegations made in the F.I.R., learned counsel for the Petitioner contends that the Petitioner was employed as a taxi driver and was earning his livelihood by driving the vehicle. He further submits that although contraband articles were allegedly recovered from the vehicle driven by the Petitioner, the Petitioner had no knowledge of the presence of such contraband articles in the vehicle. In the aforesaid factual backdrop, learned counsel for the Petitioner seriously disputes the conscious and exclusive possession of the alleged contraband articles by the Petitioner and contends that, in the facts and circumstances of the present case, the rigours of Section 37 of the N.D.P.S. Act would not be attracted. Learned counsel for the Petitioner further submits that, taking into consideration the period of custodial detention undergone by the Petitioner and the fact that he has no criminal antecedents involving similar offences, the Petitioner may be enlarged on bail on such stringent terms and conditions as this Court may

deem fit and proper.

6. 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 considering the nature of allegation and the contraband used in the present case, the release of the petitioner would be a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

7. 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 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.

8. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two local solvent sureties for the like amount to the satisfaction of the Court in seisin over the matter. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

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, this bail order shall automatically stand revoked. Violation of any of the terms and conditions shall entail cancellation of bail.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)

Judge

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Signature Not Verified
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Signed by: RUBI BEHERA
Reason: Authentication
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