IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9675 of 2026
CNR No. ODHC010715902026

Sanu @ Shiba Prasad Dash **.....** ***Petitioner***

Represented by Adv. -
Bijay Kumar Behera

-versus-

State of Orissa **.....** ***Opposite Parties***

Smt. S. Nayak, ASC

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

ORDER
31.10.2026

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 Special Crime Unit P.S. Case No.08 of 2025, corresponding to T.R. Case No.625 of 2025, pending before the learned 3rd Addl. Sessions Judge, Bhubaneswar, for alleged commission of offence punishable under Sections 21(C), 25, 29 of N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 17.10.2025. He further contended that in the meantime the investigation has been concluded and the final charge-sheet has been filed. He further contended that though

the charge has been framed, however, the trial has not been commenced. He further contended that there is no possibility of the trial being concluded in the near future. He further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. He further submitted that the Petitioner does not have any criminal antecedent.

5. Further, referring to the allegation made in the FIR, learned counsel for the Petitioner contended that a total quantity of 540 grams of contraband brown sugar has been recovered from three accused persons. So far the present Petitioner is concerned, leaned counsel for the Petitioner, referring to the seizure memo at Annexure-1, submitted before this Court that a packet containing 30 grams of brown sugar has been seized from the possession of the present Petitioner. Learned counsel for the Petitioner, at this juncture, contended that such quantity of brown sugar, which was allegedly recovered from the possession of the present Petitioner, being less than the commercial quantity, the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the present case. On such ground, learned counsel for the Petitioner contended that the Petitioner be enlarged on bail on any stringent terms and conditions.

6. Learned counsel for the Petitioner further contended that though earlier the Petitioner had approached this Court by filing BLAPL No.11777 of 2025, however, a Coordinate Bench vide order dated 10.12.2025 was not inclined to release the Petitioner on bail at that stage. Thereafter, the Petitioner again moved an application for his release on bail by filing BLAPL No.5303 of 2026 which was permitted to be withdrawn vide order dated 23.07.2026. Thereafter,

the Petitioner has filed the present bail application as the charge-sheet has already been filed in the meantime and that the trial has not commenced though the Petitioner is languishing in custody for more than one year. On such ground, learned counsel for the Petitioner submitted that the Petitioner be enlarged on bail on any terms and conditions deems just and proper by this Court.

7. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner. She 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, she submitted that the bail application of the Petitioner be rejected at this juncture.

8. 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 as well as the quantity of the contraband allegedly recovered from the possession of the present Petitioner, further taking note of 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 belongs to the locality and that he 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.50,000/- (Rupees Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail

cancellation of bail.

9. 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.

10. 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
Date: 02-Nov-2026 14:29:00