IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8672 of 2026
CNR No. ODHC010452012026

1) Rohita Kumar Bishi ..... ***Petitioners***
2) Ganesh Pradhan

Represented by Adv. – M/s. Krushna Chandra Meher, Biswajit Ranjan Tripathy

-versus-

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

Represented by Adv. –

Mr. U.C. Jena, ASC

BLAPL No.9507 of 2026
CNR No. ODHC010717612026

Dibyalochan Pradhan ..... ***Petitioner***

Represented by Adv. – Mr. Amitav Tripathy

-versus-

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

Represented by Adv. –

Mr. U.C. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
03.11.2026

Order No.

01. 1. These matters are taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Since both the bail applications arise out of a common F.I.R.

involving the self-same occurrence, they are taken up for hearing together and disposed of by this common order.

3. Heard learned counsels appearing for the Petitioners and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the bail applications as well as the F.I.R and other documents attached to the bail applications.

4. The present bail applications under Section 483 of B.N.S.S., 2023 have been filed by the Petitioners for regular bail in connection with Special (NDPS) Case No.102 of 2025, arising out of Boudh P.S. Case No.249 of 2025, pending in the court of learned Additional Sessions Judge-cum-Special Judge, Boudh, for alleged commission of offences punishable under Sections 20(b)(ii)(C)/29 of the N.D.P.S. Act, 1985.

5. It is submitted by the learned counsels for the Petitioners that the Petitioners are languishing in jail custody since 22.05.2025. They further contended that in the meantime investigation has been concluded and charge sheet has been filed. Learned counsels for the Petitioners further contended that the Petitioners do not have any criminal antecedent and that they belong to the locality, therefore, there is no chance of their absconding. Further, referring to the allegation made in the F.I.R., learned counsel for the Petitioners submitted that, as per the prosecution allegation, a total quantity of 70 Kgs. of contraband Ganja was allegedly recovered from seven persons. With regard to the seizure, learned counsel for the Petitioners submitted that such seizure was made from the ridge of the pond, which is a public place, and that such seizure of the contraband article cannot be attributed to the exclusive and conscious possession of the present Petitioners. On such grounds,

learned counsel for the Petitioners contended that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the Petitioners' case, more so when the Petitioners have no similar criminal antecedent. It is further submitted by the learned counsels for the Petitioners that the Petitioners are innocent persons who have been falsely implicated in the present case. Since there is no possibility of the trial being commenced in near future, learned counsels for the Petitioners contended that the Petitioners be released on bail on any stringent terms and conditions.

6. Learned counsel for the State, on the other hand, opposed the release of the Petitioners on bail on the ground of gravity and seriousness of the allegation. He further contended that in the event the Petitioners are released on bail, there is every possibility that they 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 Ganja 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. On such grounds, it is submitted that the prayer for bail of the Petitioners be rejected at this juncture.

7. Having regard to the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the surrounding facts and circumstances of the present case, further taking note of the circumstances leading to seizure of the contraband article which was from the ridge of the pond, and further keeping in view the period of custodial detention of the Petitioners, and the fact that in the meantime charge sheet has been filed and a co-accused has already been released on bail, and

further considering the fact that the Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail.

8. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/-(Rupees forty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioners 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 terms and conditions shall entail cancellation of bail.

9. It is further directed that the bail granted to the Petitioners shall be subject to the condition that the court below shall verify whether the Petitioners are having any criminal antecedent of similar nature. In the event it is found that the Petitioners are having any criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

10. The BLAPLs are, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Nov-2026 13:34:24