IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9523 of 2026

CNR No. ODHC010718322026

Mukesh Kumar and another **.....** ***Petitioners***

Represented by Adv. -
Amulya Ratna Panda

-versus-

State Of Odisha **.....** ***Opposite Parties***

Smt. S. Nayak, ASC

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 Petitioners 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 Petitioners for regular bail relating to P.R. No.97 of 2026-27, corresponding to 2(a)CC Case No.13 of 2026, pending before the learned Special Judge, Kalahandi, Bhawanipatna, for alleged commission of offence punishable under Section 20(b)(ii)(C) of N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 22.07.2026. He further submitted that in the meantime the investigation has progressed substantially and the final P.R. is likely to be filed soon. Further, referring to the allegation made in the FIR, learned counsel for the Petitioners contended that a total quantity of 20.5 Kgs. of contraband Ganja has been recovered from two accused persons, therefore, the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the present case. He further submitted that the Petitioners do not have any similar criminal antecedent. He further submitted that although the Petitioners do not belong to the State of Odisha, however, they are ready and willing to abide by any terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioners. 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 Petitioners. In such view of the matter, she submitted that the bail application of the Petitioners 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, further keeping in view the period of detention of the Petitioners in jail custody, and 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 Petitioners do not have any similar criminal antecedent, this Court is inclined to

release the Petitioners on bail subject to each of the Petitioners furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

I) The Petitioners shall also file an affidavit before the Trial Court with regard to their residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioners shall be subject to verification of such details as would be furnished by any relative of the Petitioners in the shape of an affidavit;

II) they shall not be involved in any offence of similar nature while on bail;

III) they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;

IV) they shall not make any default in attending the court during trial on each date without fail;

V) they shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of the trial;

VI) they shall not leave the jurisdiction of the Court in seisin over the matter;

Violation of any of the terms and conditions shall entail cancellation of bail.

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

8. 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, Cuttack
Date: 28-Oct-2026 17:53:55