IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9644 of 2026
CNR No. ODHC010719472026

Birendra Khatua **.....** ***Petitioner***

Represented by Adv. -
Jugala Kishore Panda

-versus-

State Of Odisha **.....** ***Opposite Party***

Represented by Adv. –
P.Satpathy, A.S.C.

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 Bail Application as well as the documents annexed thereto.

3. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Barpali PS Case No.362 of 2025 corresponding to CT (Spl.) Case No.96/128 of 2025-2026 pending in the Court of learned Additional Sessions Judge, Bargarh, for commission of offence punishable U/S.20(b)(ii)(C) of the NDPS Act, on the main allegation of transporting 40Kgs 060 Grams of Contraband Ganja in a Maruti Suzuki Dzire Car bearing Regd. No.OD-31F-6271.

4. Admittedly, the Petitioner was taken into custody since 19.11.2025, but in the meantime, charge-sheet has already been

submitted and there are 12 charge-sheeted witnesses and, therefore, the trial would take some time. In the aforesaid facts and circumstances and taking into account the materials so placed on record and regard being had to the claim of the Petitioner for having one criminal antecedent of similar nature, the petitioner would be considered to have satisfied the conditions of Section 37 of NDPS Act.

5. For the reasons stated hereinabove and taking into account the custody period of the Petitioner, this Court without expressing any view on merit admits the Petitioner to bail, but subject to verification of his criminal antecedent for commission of offence under NDPS Act.

6. Hence, the bail application of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bonds 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 of the case on such terms and conditions as deem fit and proper by it. While imposing condition, learned court below shall impose a condition that the Petitioner shall appear before the jurisdictional Police Station once in a fortnight, preferably, on 'Sunday' in between 10.00 A.M. to 1 P.M., for a period three months, thereafter, once in a month till conclusion of the trial. Violation of any of the terms and conditions shall entail cancellation of the bail

In view of the specific submission as advanced for the Petitioner, the benefit of this order shall not be extended to the Petitioner, if he is found to have more than one criminal antecedent for commission of offences under NDPS Act.

7. It is further directed that the bail granted to the Petitioner shall be subject to depositing a cash security of Rs.5,000/- (Rupees Five Thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

8. Accordingly, the BLAPL stands disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Nov-2026 14:53:44