IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9550 of 2026
CNR No. ODHC010719552026

Saroj Majhi **.....** ***Petitioner***

Represented by Adv. –
Mr. Ashutosh Mishra

-versus-

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

Represented by Adv. –

Miss Babita Kumari
Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
28.10.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party.

3. The present bail application has been filed by the Petitioner for regular bail in connection with G.R. Case No.24 of 2024, arising out of Mohana P.S. Case No.31 of 2024, pending in the Court of learned Sessions Judge-cum-Special Judge, Gajapati at Paralakhemundi, for alleged commission of offences punishable under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act, 1985.

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

earlier this matter was not before any other Bench of this Court. He further submitted that the Petitioner is in custody since 10.07.2026. He further submitted that in the meantime, investigation has been concluded and charge sheet has been filed. He further contended that as per the F.I.R. allegation, the Petitioner was the driver of the seized car from which 30 Kgs. 500 Grams of contraband Ganja were recovered. Learned counsel for the Petitioner further contended that the Petitioner has been implicated in this case as driver of the seized car basing on the statement of co-accused. Learned counsel for the Petitioner further contended that neither the Petitioner was apprehended at the spot nor any contraband article has been seized from his exclusive and conscious possession. He further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. Learned counsel for the Petitioner further contended that although the Petitioner has one similar criminal antecedent, however, he is ready and willing to abide by any stringent terms and conditions that would be imposed by this Court in the event he is released on bail. On such grounds, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions which he shall abide while on bail.

5. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the ground that allegations made against the Petitioner are serious in nature. He further submitted that in the event the Petitioner is released on bail, there is every likelihood

that he 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. In such view of the matter, it is submitted that the prayer for bail of the Petitioner be rejected.

6. Considering the submissions made by the learned counsels for the respective parties and upon a careful examination of the surrounding facts and circumstances of the present case and further taking into consideration the fact that there is no recovery from the exclusive and conscious possession of the present Petitioner, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the case of the Petitioner, this Court is inclined to release the Petitioner on bail.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/-(Rupees forty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with other terms and conditions as would be deemed fit and proper by the Court in seisin over the matter. While imposing conditions, the court in seisin over the matter shall also impose the following additional conditions:-

(i) He shall not indulge in any similar activities while on bail;

(ii) He shall appear before the local police station

once in a fortnight, preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M., for a period of three months; and

(iii) He shall furnish a cash security of Rs.3,000/- (Rupees three thousand) before the court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank for a period of one year which shall be renewed from time to time till disposal of the case. The said deposit shall be subject to the final outcome of the trial.

Violation of any of the conditions imposed either by this Court or the court in seisin over the matter shall entail cancellation of bail.

8. 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 has any criminal antecedent of similar nature. In the event it is found that the Petitioner has more than one criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Signature Not Verified
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Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 30-Oct-2026 12:13:52