IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9602 of 2026
CNR No. ODHC010719612026

Janmajaya Behera **.....** ***Petitioner***

Represented by Adv. - Anam Charan Panda

-versus-

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

Represented by Adv. – B.K. Sahu, A.G.A.

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

ORDER
29.10.2026

Order No.

01. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S has been filed by the Petitioner for regular bail in connection with 2(a)CC. Case No.05 of 2026, arising out of Patnagarh Excise Station P.R. No.115/26-27, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Patnagarh for alleged commission of offence punishable under Sections 21(c) of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 10.09.2026. He further contended

that the investigation has been concluded and final P.R has been submitted. He further contended that as per the F.I.R. allegation a total 25 nos. bottles of cough syrup were recovered from the conscious & exclusive possession of the Petitioner. Taking into consideration the weightage of the contraband allegedly seized, the bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case. He further submitted that the Petitioner does not have any similar criminal antecedents. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition that would be imposed by this Court while the Petitioner release 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 in the event the Petitioner is released on bail, there is a possibility that he might be involved in similar criminal offences. Learned Additional Government Advocate submitted that nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioner 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 and further keeping the view the fact that weightage of the contraband allegedly seized is less than the commercial quantity, therefore, the bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case and coupled with the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the

Petitioner on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.35,000/-(Rupees Thirty-Five thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

8. It is further directed that the bail granted to the Petitioner shall be subject to the verification the criminal antecedent of the Petitioner. In the event it is found that the Petitioner is having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 31-Oct-2026 12:59:26