IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9620 of 2026
CNR No. ODHC010720362026

Sandeep Kumar **.....** ***Petitioner***

Represented by Adv. -
Dipti Ranjan Swain

-versus-

STATE OF ODISHA **.....** ***Opposite Party***

Represented by Adv.
– T.K. Acharya, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
29.10.2026

Order No.

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

2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State. Perused the materials placed before this Court.

3. This is an application under Section 483 of the BNSS filed by the Petitioner for bail in connection with P.R. Case No.108 of 2026-27, corresponding to 2(a)CC Case No.8 of 2026, pending in the Court of the learned Addl. Sessions Judge-cum-Special Judge, Kantabanji for alleged commission of offence under Sections 20(b)(ii)C of NDPS Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 01.09.2026. Though the trial has progressed substantially, however the charge-sheet has

not been filed. Further, referring to the allegations made in the F.I.R, learned counsel for the Petitioner submitted that keeping in view the quantity of ganja seized, i.e., 10 kg was recovered from possession of the Petitioner. He further submitted that although the Petitioner does not belong to State of Odisha. Further contended that the Petitioner does not have any similar criminal antecedent. He further submitted that the bar under Section 37 of the N.D.P.S Act would not be attracted. Therefore, the Petitioner is ready and willing shall abide by any terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that such cases are increasing day-by-day and no leniency should be shown to the petitioner. He further submitted that the Petitioner belongs to State of Uttar Pradesh, therefore, release of the Petitioner be difficult to ensure the appearance of the Petitioner before the Trial Court during trial. Further contends that the Investigation is still on. In such view of the matter, he submitted that the bail application 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 nature and gravity of the allegation as well as taking note of the fact that a total 10 kgs. of contraband ganja was recovered from the possession of the present petitioner, the bar under Section 37 of NDPS Act would not be attracted and the fact that the Petitioner does not have any criminal similar 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.40,000/- (Rupees forty thousand) with two local 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 Petitioner shall also file an affidavit before the Trial Court with regard to indicating there his residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioner shall be subject to verification of such details as would be furnished by any relative of the Petitioner in the shape of an affidavit.

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

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

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

V) he 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.

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

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

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 30-Oct-2026 15:38:36