IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9546 of 2026
CNR No. ODHC010720682026

Chhabi Lal Sahu **.....** ***Petitioner***

Represented by Adv. -
Gokulananda Sahu

-versus-

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

Represented by Adv. –
Miss B.K. 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 for the Petitioner as well as learned Additional Govt. Advocate 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 S.A. Case No.32 of 2026, corresponding to P.R No.188 dated 01.09.2026 of Excise Station, Nuapada, pending in the Court of the learned Special Judge, Nuapada for alleged commission of offence under Sections 20(b)(ii)(B) 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. 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., 4 kgs. was recovered from possession of the Petitioner. He further contended that the recovery of the contraband articles from the exclusive and conscious possession of the Petitioner is being seriously disputed by the Petitioner. He further submitted that the bar under Section 37 of the N.D.P.S Act would not be attracted. He further submitted that the Petitioner does not have any similar criminal antecedents. Further contends that the petitioner does not belongs to State of Odisha, 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 Govt. Advocate 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 belong to State of Chhattisgarh, 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 surrounding facts and circumstances of the present case, further keeping the view the period of detention of the Petitioner in jail custody and 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.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: 28-Oct-2026 19:19:34