IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9581 of 2026
CNR No. ODHC010721442026

Muhammad Asif O ..... ***Petitioner***

Represented by Adv. - Suchit Kumar Nayak

-versus-

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

Represented by Adv. – M.K. Mohanty, A.S.C.

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 Standing Counsel 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)C.C Case No.10 of 2026, arising out of O.I.C. Paralakhemundi Excise Station P.R No.36 of 2026-27, pending in the Court of learned Sessions Judge-cum-Special Judge, Gajapati, At-Paralakhemundi for alleged commission of offence punishable under Sections 20(b)(ii)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 19.05.2026. He further submitted

that the investigation has progressed substantially and the charge sheet is likely to be filed very soon. He further contended that as per the F.I.R. allegation the quantity of ganja seized, i.e., 20 kgs 300 gms, 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 although the Petitioner is having some similar criminal antecedents, he has already acquitted in such cases. Further contends that the Petitioner does not belong 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 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 Kerala, 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, 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

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.

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

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy of this order as per Rules.

(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 12:59:25