IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9649 of 2026
CNR No. ODHC010722932026

Biranchi Bindhani ..... ***Petitioner***

Represented by Adv.
- Sougat Dash

-versus-

STATE OF ODISHA ..... ***Opposite Parties***

Represented by Adv. –
Mr. M.K. Mohanty, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
09.11.2026

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical 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 C.T. Case No.50 of 2025, arising out of Baripada Town P.S. Case No. 526 of 2025, pending in the Court of learned Special Judge, Mayurbhanj, Baripada for alleged commission of offence punishable under Sections 20(b)(ii)(C)/25/29 of the N.D.P.S. Act.

4. It is stated by the learned counsel for the Petitioner that the Petitioner who happens to be the owner of the vehicle which was involved in the alleged illegal transportation of contraband article is languishing in custody since 09.01.2026. He further submitted that in the meantime, the charge-sheet has already been filed, though the trial has not yet commenced. Though the trial has commenced there is no possibility of the trial has been concluded in the very soon. Learned counsel for the Petitioner further submitted that the Petitioner was not present at the spot and nothing has been recovered from his exclusive and conscious possession. Therefore, the bar under Section 37 of NDPS Act would not be attracted to the facts of the Petitioner's case. He further submitted that the Petitioner has been implicated on the basis of the co-accused statement as the owner of the vehicle which was involved in the alleged crime. On such ground, learned counsel for the Petitioner submitted that in view of the settled position of law laid down in ***Tofan Singh vs. State of Tamil Nadu*** reported in ***(2021) 4 SCC 1***, the statement of the co-accused under Section 67 of the NDPS Act is inadmissible against the Petitioner. He further contended that the Petitioner does not have any similar criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding. On such ground, learned counsel for the Petitioner prayed for release the Petitioner on bail.

5. Learned Additional Standing 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 Standing Counsel 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 taking into consideration the fact that the investigation has been concluded and final charge sheet has been filed and that the Petitioner does not have any similar criminal antecedent and the bar under Section 37 of the NDPS Act would not be attracted to the Petitioner's case, this Court is inclined to release the Petitioner on bail subject to imposition of certain stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the Court in seisin over the matter. Violation of any of the conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner shall be subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent of similar nature. In the event it is found that the Petitioner is having any criminal antecedent of

similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order 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: 11-Nov-2026 12:40:46