IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9653 of 2026
CNR No. ODHC010724772026

Kamal Nayak **.....** ***Petitioner***

Represented by Adv. - Suchit Kumar Nayak

-versus-

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

Represented by Adv. – M.R. Patra, A.S.C.

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

ORDER
31.10.2026

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) CC Case No.12 of 2026, arising out of D.M.U. Excise Gajapati P.R. Case No.72 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 11.07.2026. He further contended that the investigation has progressed and final charge sheet is likely

to be filed very soon. 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. Further referring to the allegations made in the FIR, learned counsel for the Petitioner contended that as per the FIR allegation, a total quantity of 21 kg of contraband Ganja was recovered from the bus stand. Since the Petitioner was standing nearby the packet, in which the contraband article was kept, the Petitioner has been implicated in the present case. In the aforesaid factual backdrop, learned counsel for the Petitioner 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 to the facts of the present case. More so, the Petitioner does not have any similar criminal antecedent. On such ground, learned counsel for the Petitioner submitted that the Petitioner be enlarged on bail on any stringent terms and conditions.

6. Learned Additional Standing Counsel 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.

7. 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 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.

8. 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 solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

9. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. While imposing conditions, learned Court in seisin over the matter shall also impose the following conditions: -

I) the Petitioner shall not be involved in any offence of similar nature while on bail;

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

III) the Petitioner shall appear before the learned trial court during trial on each date of posting, unless his personal appearance is dispensed with by the learned trial court;

IV) the Petitioner 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. for a period of three months, thereafter, once in a month till conclusion of the trial.

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

10. It is further directed that the bail granted to the Petitioner shall be subject to the verification of 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.

11. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Nov-2026 14:53:44