IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9857 of 2026
CNR No. ODHC010729632026

Susil Barik **.....** ***Petitioner***

Represented by Adv. - Bikash Karna

-versus-

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

Represented by Adv. – B.K. Sahu, A.G.A.

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

ORDER
04.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate 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 Special Case (NDPS) Case No.188 of 2026, arising out of Kantamal P.S. Case No.193 of 2026, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Kantamal, Boudh for alleged commission of offence punishable under Sections 20(b)(ii)C/29 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 26.07.2026. He further contended that the investigation has been concluded and final charge sheet has

been filed. He further contended that the Petitioner does not have any similar criminal antecedents and that he belongs to the locality, therefore, there is no chance of his absconding.

5. Further referring to the allegation made in the FIR, learned counsel for the Petitioner submitted as per the prosecution allegation, a total quantity of 37 kg contraband Ganja was recovered from the backside of an auto risckshaw which was being driven by the present 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. In such view of the matter, the Bar under Section 37 of the N.D.P.S. Act may not be applicable to the facts of the Petitioner's case. He further submitted that. 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.

6. Learned Additional Government Advocate 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 Government Advocate submitted that nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, she 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.40,000/-(Rupees Forty 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. Violation of any of the conditions shall entail cancellation of the bail application.

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.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Nov-2026 17:53:23