IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9858 of 2026
CNR No. ODHC010730552026

1) Rashmikanta Barik	***.....***	***Petitioners***
2) Suryakanta Barik		Represented by Adv. - Deepak Ranjan Parida

-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 Petitioners 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 Petitioners for regular bail in connection with T.R Case No.108 of 2026, arising out of Kendrapara Excise Station PR No.103 of 2026-27, pending in the Court of learned Session Judge, Kendrapara 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 Petitioners that the Petitioners are in custody since 01.09.2026. He further submitted that the investigation has progressed substantially and the

final PR is likely to be filed very soon. Learned counsel for the Petitioners further contended that the Petitioners do not have any criminal antecedent and that they belong to the locality, therefore, there is no chance of their absconding.

5. Further referring to the allegation made in the FIR, learned counsel for the Petitioners contended that as per the prosecution allegation, a total quantity of 25 kg of contraband Ganja was recovered allegedly from two persons. He further submitted that such contraband article was recovered from the house of the present Petitioners. In such view of the matter, learned counsel for the Petitioners contended that it cannot be conclusively said that the same was recovered from the conscious & exclusive possession of the Petitioners. As such, it was argued that the bar under Section 37 of the N.D.P.S. Act would not be applicable to the facts of the Petitioners' case. On such ground, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and conditions deemed appropriate by this Court.

6. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioners on bail on the ground that in the event the Petitioners are released on bail, there is a possibility that they 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, he submitted that the prayer for bail of the Petitioners 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 Petitioners in jail custody and the fact that the Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

8. Hence, it is directed that the Petitioners be released on bail in the aforesaid case each of the Petitioner on furnishing bail bond of Rs.40,000/-(Rupees Forty thousand) each with two local 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 Petitioners are subject to the condition that the court below shall verify whether the Petitioners are having any criminal antecedent of similar nature. In the event it is found that the Petitioners are 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