IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9768 of 2026
CNR No. ODHC010733522026

Asutosh Mistry **.....** ***Petitioner***

Represented by Adv. –
Mr. Abhas Mohanty

-versus-

State of Odisha **.....** ***Opposite Party***

Represented by Adv. –

Mr. Pradipta Satpathy,
ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
03.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with G.R. Case No.220(A) of 2023, arising out of Chitrakonda P.S. Case No.203 of 2023, pending in the court of learned Additional Sessions Judge-cum-Special Judge, Malkangiri, for alleged commission of offences punishable

under Sections 20(b)(ii)(C)/25/27 & 29 of the N.D.P.S. Act, 1985.

4. Learned counsel for the Petitioner submitted that the Petitioner is languishing in jail custody since 15.04.2026. He further submitted that, in the meantime, investigation has been concluded and charge sheet has been filed. It is stated by the learned counsel for the Petitioner that the Petitioner has been implicated in the present crime on the allegation that he was the owner of the vehicle which was found illegally transporting the contraband articles. He further submitted that the name of the Petitioner has been indicated in the charge sheet only on the ground that he is the owner of the vehicle and that though earlier an N.B.W. was issued, the Petitioner remained an absconder. Learned counsel for the Petitioner further contended that neither the Petitioner was present at the spot of occurrence nor any contraband article was recovered from his exclusive and conscious possession of the present Petitioner, which would mean that the bar under Section 37 of the NDPS Act would not be attracted to the Petitioner's case. He further submitted that the Petitioner does not have any criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding. On such grounds, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions deemed just and proper by this Court.

5. 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 of gravity and seriousness of the allegation. He further submitted that in the event the Petitioner is released on bail, there is every likelihood that he might abscond which would eventually cause delay in conclusion of the trial. He further submitted that the cases of illegal transportation of contraband Ganja are on the rise in the State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons involved in such type of offences. On such grounds, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the background facts and circumstances of the present case, as well as the period of custodial detention of the Petitioner and that fact that the charge sheet has already been filed, 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.1,00,000/- (Rupees one lakh) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

8. It is open for the Court in seisin over the matter to impose any other conditions as it may be deemed just and proper. Violation of any of the conditions shall entail cancellation of

bail.

9. 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 for commission of offence under NDPS Act, then this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 05-Nov-2026 14:18:01