IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9808 of 2026
CNR No. ODHC010734792026

Upendra Singh **.....** ***Petitioner***

Represented by Adv. -
Sudhansu Sekhar Dash

-versus-

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

Represented by Adv. -
Smt. S.Nayak, A.S.C.

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

ORDER

Order No. **03.11.2026**

01. 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 T.R. Case No. 602 of 2026, arising out of Excise District Mobile Bhubaneswar, P.R. Case No. 238 of 2026-27, pending in the Court of learned District and Sessions Judge, Khurda 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 has been in custody since 30.08.2026. He further contended that in the meantime, the investigation has progressed substantially and the final charge sheet is likely to be filed very soon. Learned counsel for the Petitioner further contended that the Petitioner does not have any similar criminal antecedent. He also fairly contended that, although the Petitioner does not belong to the State of Odisha, he is ready and willing to abide by any stringent terms and conditions that may be imposed by this Court in the event of his release on bail.

5. Further, referring to the allegation made in the F.I.R., learned counsel for the Petitioner contended that, as per the prosecution case, a total quantity of 8 kg 170 grams of contraband ganja was recovered from the possession of the present Petitioner. However, the alleged seizure of the contraband article from the possession of the Petitioner was seriously disputed by the learned counsel. He further submitted that, having regard to the quantity of ganja allegedly seized and the fact that the Petitioner has no criminal antecedents, the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case. On the aforesaid grounds, learned counsel for the Petitioner prayed that the Petitioner be enlarged on bail on such stringent terms and conditions as this Court may deem fit and proper.

6. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that such cases are increasing day-by-day and no leniency should be

shown to the petitioner. He further submitted that the Petitioner belongs to State of U.P., therefore, release of the Petitioner be difficult to ensure the appearance of the Petitioner before the Trial Court during trial. In such view of the matter, he submitted that the bail application of the Petitioner be rejected at this juncture.

7. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, further taking into consideration the period of detention, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.40,000/- (Rupees Forty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

I) The Petitioner shall also file an affidavit before the Trial Court with regard to indicating there his residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioner shall be subject to verification of such details as would be furnished by any relative of the Petitioner in the shape of an affidavit.

II) he shall not be involved in any offence of similar nature while on bail;

III) he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any

manner whatsoever;

IV) he shall not make any default in attending the court during trial on each date without fail;

V) he 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. till conclusion of the trial.

8. 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 terms and conditions shall entail cancellation of bail.

9. It is further directed that the bail granted to the Petitioner is 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 similar criminal antecedent, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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Reason: Authentication
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Date: 03-Nov-2026 17:21:03