IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10055 of 2026
CNR No. ODHC010735642026

Suresh Chandra Nayak & Anr. ..... ***Petitioners***

Represented by Adv. - Debidutta Mohapatra

-versus-

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

Represented by Adv. -Mr. M.K.Mohanty, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **12.11.2026**

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

2. Heard learned counsel appearing for the Petitioners 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 Petitioners for regular bail in connection with T.R Case No.618 of 2026, arising out of Nayapalli P.S. Case No.718 of 2026, pending in the Court of learned District & Sessions Judge, Khordha 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 03.09.2026. He further submitted that in the meantime the investigation has progressed substantially

and the final charge sheet has not been filed. He further submitted 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 allegations made in the F.I.R., learned counsel for the Petitioners contended that, as per the prosecution case, a total quantity of 21 Kg. 850 grams of contraband Ganja was recovered from the possession of both the Petitioners. He further submitted that, taking into consideration the aforesaid facts and the quantity of contraband allegedly seized from the Petitioners, the bar under Section 37 of the NDPS Act would not ben attracted to the facts of the present case. In such view of the matter, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and condition which the Petitioners undertake to abide by while on bail.

6. Learned Additional Standing Counsel 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 Standing Counsel submitted that considering the nature of allegation and the contraband used in the present case, the release of the Petitioners would be 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 Petitioner does not have any 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 on furnishing bail bond of Rs.40,000/-(Rupees Forty Thousand) each with two local solvent sureties for the like amount to the satisfaction of the Court in seisin over the matter. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

9. It is further directed that the bail granted to the Petitioners is subject to the condition that the court below shall verify whether the Petitioners are having any criminal antecedent. In the event it is found that the Petitioners are having any criminal antecedent, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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Signature Not Verified
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Reason: Authentication
Location: OHC
Date: 12-Nov-2026 16:57:00