IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9959 of 2026
CNR No. ODHC010737282026

Ayash @ Ayesh Kumar Mohapatra ..... ***Petitioner***

Represented by Adv. -
Jugala Kishore Panda

-versus-

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

Represented by Adv. -
Mr. P.Satpathy, A.S.C.

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

ORDER
30.10.2026

Order No.

03. 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 C.T. Case No.112 of 2026, arising out of Phulbani Town P.S. Case No.168 of 2026, pending in the court of learned Special Judge, Phulbani, for alleged commission of offences punishable under Sections 20(b)(ii)(C)/21(b)/29 of the

N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 16.06.2026. He further submitted that on the basis of the co-accused statement, the Petitioner has been implicated in this case. With regard to the allegation made in the F.I.R., learned counsel for the Petitioner contended that as per the prosecution allegation, a total quantity of 21 Kgs. of contraband Ganja along with 7 Grams of Heroin was recovered from the exclusive and conscious possession of the present Petitioner. He further contended that since nothing has been recovered from the exclusive and conscious possession of the present Petitioner, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the case of the present Petitioner. He further submitted that although investigation in this case has progressed substantially, however, charge sheet has not yet been filed. He also contended that the similarly situated co-accused persons have already been released on bail. Learned counsel for the Petitioner further submitted that the Petitioner does not have any similar criminal antecedent and that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. On such grounds, learned counsel for the Petitioner contended that the Petitioner be enlarged on bail on any terms and conditions as would be deemed just and proper by this Court.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and

seriousness of the allegation. He further contended that the investigation is still on. He further contended that in the event the Petitioner is released on bail, there is every possibility that he might abscond from justice which would eventually cause delay in conclusion of the investigation as well as delay in filing of the charge sheet. He further submitted that the cases of illegal transportation of contraband Ganja are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. 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 surrounding facts and circumstances of the present case, further keeping in view the period of custodial detention of the Petitioner and the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the conditions shall entail cancellation of bail.

8. 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 criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

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Signature Not Verified
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Signed by: RUBI BEHERA
Reason: Authentication
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Date: 30-Oct-2026 17:12:01