IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9933 of 2026
CNR No. ODHC010737692026

S. Siva Rao **.....** ***Petitioner***

Represented by Adv. -
Jugala Kishore Panda

-versus-

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

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

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.11.2026

Order No.

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

2. The petitioner being in custody in connection with Excise Station Berhampur P.R No.01 of 2026-27, dated 01.04.2026 corresponding to 2(a) C.C. No.10 of 2026(N), pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Aska registered for the alleged commission of offence under Section 20(b)(ii)(C) of the NDPS Act, 1985, has filed this petition for his release on bail.

3. The brief fact of the case in short is that on the basis of PR filed by the SI of Excise Station, Berhampur, alleging therein that the petitioner has caught red handed on 01.04.2026 at about 8 PM, near Indian Oil Petrol Pump, Aska while transporting of 22 KGs of contraband Ganja with the help of a Bolero vehicle

bearing Registration No. OD-07-AQ-9700. Hence, this Case.

4. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 01.04.2026 for being involved in transportation of 22 kg of contraband ganja. The petitioner is the driver of the aforesaid vehicle and he has no knowledge about the contraband ganja. In view of all these, he contends that at this stage, the bar contained under Section-37 of the NDPS Act does no more stand on the way of grant of bail to the Petitioner. He, therefore, urges for consideration of grant of bail to the Petitioner.

5. Learned counsel for the State vehemently opposes the prayer for bail.

6. Considering the facts and keeping in view the submission of learned counsel for the Petitioner; further keeping in view the materials on record as those stand against the Petitioner with other surrounding circumstances, this Court is of the view that there is no requirement of keeping the Petitioner inside the custody any further. Accordingly, this Court directs that the Petitioner be released on bail by the Court in seisin over the matter on some stringent terms and conditions with further conditions that:

> i. the petitioner shall appear before the local Police Station on 1st Monday of every month between 10 A.M. to 1.00 P.M. till the conclusion of the trial;
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> ii. the Petitioner shall not indulge himself in any criminal activities in

future;

iii. the Petitioner shall not tamper the evidence of the prosecution evidence in any manner;

Violation of any of the above conditions shall entail cancellation of the bail.

7. 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 more than one similar criminal antecedent, this bail order shall automatically stand revoked.

8. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

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