IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10027 of 2026
CNR No. ODHC010743182026

Kartik Dalbehera & Ors. **.....** ***Petitioners***

Represented by Adv. -
Amit Sujat Biswal

-versus-

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

Represented by Adv. -Mr.
U.C.Jena, A.S.C.

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

ORDER

Order No. **29.10.2026**

02. 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 the B.N.S.S. has been filed by the Petitioners for regular bail in connection with G.R. Case No.40 of 2026-27 dated 12.04.2026, arising out of Tarva P.S. Case No.127 of 2026, pending in the Court of learned Special Judge, Sonepur for alleged commission of offence punishable under Sections 20(b)(ii)(C)/29 of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioners

that the Petitioners have been in custody since 10.06.2026. He further submits that, although the investigation has progressed substantially in the meantime, he has no instructions as to whether the charge sheet has been filed. Learned counsel for the Petitioners further contended that the Petitioners do not have any similar 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 72 kg 930 grams of contraband Ganja was recovered from a bushy jungle. He further submitted that the Petitioners were neither present at the spot of occurrence nor were any contraband recovered from their exclusive and conscious possession. It was further vehemently contended that the Petitioners have been implicated in the present case solely on the basis of the statement of a co-accused. In this regard, learned counsel for the Petitioners, placing reliance on the judgment of the Hon'ble Supreme Court in ***Tofan Singh v. The State of Tamil Nadu,*** reported in ***(2013) 16 SCC 31***, submitted that such a statement of a co-accused cannot be relied upon as substantive evidence against the present Petitioners.

6. Learned counsel further submitted that, having regard to the period of custodial detention undergone by the Petitioners, the absence of any criminal antecedents and the fact that no contraband was recovered from their exclusive and conscious

possession, the bar under Section 37 of the NDPS Act would not be attracted in the present case. He, accordingly, prayed that the Petitioners be released on bail on such stringent terms and conditions as this Court may deem fit and proper.

7. 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 is 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.

8. 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 Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

9. Hence, it is directed that the Petitioners 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.

10. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

11. 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 of similar nature. In the event it is found that the Petitioners are having any similar criminal antecedent, this bail order shall automatically stand revoked.

12. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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