IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9954 of 2026
CNR No. ODHC010744552026

Jinunga Mallick **.....** ***Petitioner***

Represented by Adv. - Suryakanta Dwibedi

-versus-

State Of Odisha **.....** ***Opposite Party***

Represented by Adv. – B.K. Sahu, A.G.A.

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

ORDER
04.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate 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 2(a) CC Case No.32 of 2025(N), arising out of Sub-Inspector of Excise, EI & EB, Unit-II (SD), Berhampur PR No.546 / 2025-2026, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Aska, Dist-Ganjam 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 is in custody since 23.12.2025. He further submitted that the investigation has been concluded and final PR has been

filed. He further submitted that although the trial has commenced out of 6 prosecution witnesses only two witnesses have been examined so far. Learned counsel for the Petitioner further contended that the Petitioner does not have any similar criminal antecedent. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding.

5. Further referring to the allegation made in the FIR, learned counsel for the Petitioner contended that as per the prosecution allegation a total quantity of 52 kg contraband Ganja was recovered from four persons while the same was being transported in one vehicle whereas in another vehicle two persons were arrested on the ground that they were escorting the vehicle in which the contraband articles which was being transported illegally. In such view of the matter, learned counsel for the Petitioner submitted that taking into consideration the period of custodial detention and further taking note of the fact that the trial is progressing at a snail's pace with no possibility of culminating in the near future, the Petitioner be enlarged on bail on any terms and conditions deemed appropriate by this Court.

6. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the ground that in the event the Petitioner is released on bail, there is a possibility that he might be involved in similar criminal offences. Learned Additional Government Advocate submitted that nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, she submitted that the prayer for bail of the Petitioner 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 Petitioner in jail custody as well as the fact that only two witnesses have been examined out of six witnesses within one year and the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

8. 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 solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

9. 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 conditions shall entail cancellation of the bail application.

10. It is further directed that the bail granted to the Petitioner shall be subject to the verification of the criminal antecedent of the Petitioner. In the event it is found that the Petitioner is having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

11. The BLAPL is, accordingly, disposed of.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
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Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Nov-2026 17:53:23