IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10023 of 2026
CNR No. ODHC010744902026

Dushmanta Mahananda **.....** ***Petitioner***

Represented by Adv.
- Sanjukta Munda

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented by Adv.
–Mr. M.R. Patra,
ASC

CORAM:
THE HON'BLE 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. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the materials placed before this Court.

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 Special T.R. Case No.87 of 2026 arising out of P.R. No.534 of 2026-27 of Excise Station, EI & EB Unit-II (ND), Sambalpur pending in the Court of learned Dist. & Sessions Judge-Cum- Judge (Special Court), Sambalpur for the alleged commission of offence punishable under Section 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 12.08.2026. The learned counsel for the

Petitioner submitted that in the meantime, the investigation is going on and the final charge-sheet has not yet been filed. The learned counsel for the Petitioner seriously disputed the alleged recovery of ganja from the Petitioner. He further contended that as per the F.I.R. allegation the quantity of ganja seized, i.e., 22 Kgs, which was recovered from the conscious & exclusive possession of the Petitioner, which is less than the commercial quantity, a bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case. He further submitted that the Petitioner has no criminal antecedent and he belongs to the locality, therefore, there is no chance of absconding. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions that would be imposed by this Court while the Petitioner release on bail.

5. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation as well as the fact that in the event the Petitioner is released on bail, there is every likelihood that he might abscond, which may cause delay in trial. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. 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 and 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.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/-(Rupees forty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

8. 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.

9. It is further directed that the bail granted to the Petitioner be subject to the condition that the court below shall verify the criminal antecedent of the Petitioner. In the event the Petitioner is having any similar criminal antecedent, then this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

Urgent certified copy of this order be granted as per rules.

(Aditya Kumar Mohapatra)
Judge

Binayak

Signature Not Verified
Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 12-Nov-2026 12:25:55