IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10093 of 2026
CNR No. ODHC010746422026

Madhia @ Madhaba @ Samarendra Mohanty ..... ***Petitioner***

Represented by Adv. - Pradeep Kumar Kundu

-versus-

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

Represented by Adv. –

Miss Babita Kumari Sahu, AGA

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

ORDER
16.10.2026

Order No.

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

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Niali P.S. Case No.345 of 2026, corresponding to Spl. G.R. Case No.8 of 2026, pending before the learned Spl. Court-cum-District and Sessions Judge, Cuttack, for alleged commission of offence punishable under Sections 21(b)/25/29 of the NDPS Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 02.05.2026. He further contended that in the meantime the investigation has been concluded and the final charge sheet has already been filed. Learned counsel for the petitioner further contended that the petitioner does not have any similar criminal antecedent and that he belongs to locality, therefore, there is no chance of absconding. Further referring to the allegation made in the FIR, learned counsel for the petitioner contended that as per the FIR allegation a total quantity of 47 grams of brown sugar was recovered from four persons. Referring to the quantity of brown sugar was recovered from the possession of the Petitioner. Further contended that the recovery of aforesaid contraband article from the exclusive and conscious possession of the Petitioner is seriously disputed by the Petitioner. He further contended that the alleged seizure of contraband, which is 47 grams, which is less than the commercial quantity, the bar under Section 37 of NDPS Act would not be attracted. On such ground, learned counsel for the Petitioner submitted that since the Petitioner has already spent six months in custody, he may be released on bail on any stringent terms and conditions.

5. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner.

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 the fact that the bar under Section 37 of NDPS Act would not be attracted to the facts of the present case further keeping in view the period of detention of the Petitioner in jail custody, and that he does not have any similar

criminal antecedents, this Court is inclined to release the Petitioner on bail subject to the Petitioner furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioners shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

7. 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, it is found that the petitioner having any antecedents involving the offence under the NDPS act, then this bail order shall automatically stand revoked.

8. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

Sumitra

Signature Not Verified
Digitally Signed
Signed by: SUMITRA NAYAK
Reason: Authentication
Location: OHC, CUTTACK
Date: 13-Nov-2026 15:54:02