IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10358 of 2026
CNR No. ODHC010752312026

Deepak Mahanand & Anr. **.....** ***Petitioners***

Represented by Adv.
- Ajit Kumar Raut

-versus-

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

Represented by Adv. –
P.Satpathy, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
19.11.2026

Order No.

01. 1. This matter is taken up through Hybrid 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 B.N.S.S. has been filed by the Petitioners for regular bail in connection with Crl. T (Special) Case No.48 of 2026, arising out of Brajrajnagar PS Case No.149 of 2026, pending in the Court of learned Special Judge, Jharsuguda 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 are in custody since 02.07.2026. He further submitted that although the investigation has progressed substantially, however, the charge sheet has not been filed. He further submitted that the Petitioners do not have any similar

criminal antecedents and that they belong to the locality, therefore, there is no chance of their absconding.

5. Further referring to the allegation made in the FIR, learned counsel for the Petitioners contended that as per the F.I.R. allegation a total quantity of 24 kg of 670 gms of contraband ganja was allegedly recovered from the conscious & exclusive possession of the Petitioners. He further contended that the Petitioners seriously dispute such recovery of the contraband articles from their exclusive and conscious possession and, on such ground, took a plea that the bar under Section 37 of the N.D.P.S Act would not be attracted to the facts of the Petitioners' case. In such view of the matter, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and condition that would be imposed by this Court while the Petitioners release on bail.

6. 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 are released on bail, there is a possibility that they might be involved in similar criminal offences. Learned Additional Standing Counsel submitted that nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioners 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 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.

7. Hence, it is directed that each of the Petitioners 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 Petitioners are 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 under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 20-Nov-2026 13:32:31