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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Nov-2026 17:50:08

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10035 of 2026

CNR No. ODHC010752322026

Debasis Naik @ Babulu ..... ***Petitioner***

Represented by Adv. - Bikash Karna

-versus-

State of Orissa ..... ***Opposite Parties***

Mr. M.K. Mohanty, ASC

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 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 Purunakatak P.S. Case No.179 of 2026, corresponding to Special Case No.124 of 2026 (NDPS), pending before the learned Sessions Judge-cum-Special Judge, Boudh, for alleged commission of offence punishable under Sections 21(b), 29 of N.D.P.S. Act.

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4. It submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 25.08.2026. He further contended that in the meantime the investigation has progressed substantially and the final charge-sheet is likely to be filed soon. He further contended that the Petitioner has been falsely entangled in the present case. He further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. Further, referring to the allegation made in the FIR, learned counsel for the Petitioner contended that a total quantity of 10.250 grams of contraband brown sugar, which is less than the commercial quantity, has been recovered from the present Petitioner and the same is seriously disputed by him. Therefore, the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the present case. It was also brought to the notice of this Court that the Petitioner is having one criminal antecedent under the NDPS Act, i.e. possession of contraband ganja which was less than the commercial quantity. In such view of the matter, learned counsel for the Petitioner contended that the Petitioner is ready and willing to abide by any terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner. He further contended that taking into consideration the fact that such cases are increasing day-by-day in the State of Odisha, no leniency should be shown to the petitioner. He further contended that the Petitioner is a habitual offender and the investigation is still on. In the event the Petitioner is released on bail, there is every likelihood that he might indulge in similar criminal offence. In such view of the matter, he submitted

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that the bail application 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, further keeping in view the period of detention of the Petitioner in jail custody, and the fact that the bar under Section 37 of NDPS Act would not be attracted to the facts of the present case, and the fact that the Petitioner belongs to the locality, 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 Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter.

7. The release of the Petitioner shall also be subject to following conditions:-

i) the Petitioner shall cooperate with the investigation and appear before the I.O. as and when his presence is required and shall cooperate with the early conclusion of the investigation;

ii) shall appear before the learned trial Court as and when his presence is required for the purpose of trial;

iii) shall not indulge in any similar criminal offences while on bail;

iv) shall appear before the local police station once in a week for a period of two months preferably on a Sunday in

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between 10:00 A.M. to 1:00 P.M., thereafter, once in a fortnight for a further period of three months, thereafter, once in a month till conclusion of the trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout