IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10244 of 2026
CNR No. ODHC010757872026

Chhotu Sahni @ Chhotu Kamar ..... ***Petitioner***

Represented by Adv. - Jugala Kishore Panda

-versus-

STATE OF ODISHA ..... ***Opposite Party***

Represented by Adv. – M.R. Patra, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
17.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State. Perused the materials placed before this Court.

3. This is an application under Section 483 of the BNSS filed by the Petitioner for bail in connection with Gunupur Case No.56 of 2026, corresponding to T.R Case No.16 of 2026, pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Gunupur for alleged commission of offence under Sections 20(b)(ii)(C)/25/29 of NDPS Act.

4. It is stated by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 20.03.2026. He further

contended that in the meantime, investigation has been concluded and final charge-sheet has been filed on 14.09.2026 and though the trial has not yet commenced. He further submitted that although the Petitioner is having one similar criminal antecedent, however the Petitioner is ready and willing to abide by any stringent terms and conditions. Further contended that the petitioner does not belongs to State of Odisha, therefore, the Petitioner is ready and willing shall abide by any terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Further referring to the allegation made in the FIR, he further contended that as per the prosecution allegation a total quantity of 22 kgs of contraband ganja was recovered from the possession of five persons. Further submitted that such seizure from the exclusive and conscious possession of the Petitioner is seriously disputed by the Petitioner. On such ground, learned counsel for the Petitioner contended that the applicability the bar under Section 37 of NDPS Act is seriously doubtful and further referring to the period of custodial detention, learned counsel for the Petitioner contended that the Petitioner be released on bail on any stringent terms and conditions.

6. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that such cases are increasing day-by-day and no leniency should be shown to the petitioner. He further submitted that the Petitioner belongs to State of Bihar, therefore, release of the Petitioner be difficult to ensure the appearance of the Petitioner before the Trial Court during trial. Further contends that the Investigation is still on. In such view of the matter, he submitted that the bail

application 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 as well as the quantity of ganja seized, further keeping the view the period of detention of the Petitioner in jail custody and in the meantime charge-sheet has been filed and trial has not commenced and further keeping in view the fact that the Petitioner is having one 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.45,000/- (Rupees forty-five thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

I) The Petitioner shall also file an affidavit before the Trial Court with regard to indicating there his residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioner shall be subject to verification of such details as would be furnished by any relative of the Petitioner in the shape of an affidavit.

II) The Petitioner shall not be involved in any offence of similar nature while on bail;

III) The Petitioner shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any

manner whatsoever;

IV) The Petitioner shall not make any default in attending the court during trial on each date without fail;

V) The Petitioner shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of the trial.

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

9. It is further directed that the bail granted to the Petitioner be subject to the condition that the court below shall verify the similar criminal antecedent of the Petitioner. In the event the Petitioner is having more than one criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: Personal Assistant
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 19-Nov-2026 16:18:46