IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10341 of 2026
CNR No. ODHC010763572026

Subir Singha ..... ***Petitioner***

Represented by Adv. - Mahes Das

-versus-

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

Represented by Adv. – U.C. Jena, 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 Petitioner 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 Petitioner for regular bail in connection with Special Case No.67 of 2026 (NDPS), arising out of P.R. No.20 of 2026-27 of Inspector of Excise, DSF, Berhampur, pending in the Court of learned Sessions Judge-cum-Special Judge, Ganjam, Berhampur for alleged commission of offence punishable under Sections 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 14.05.2026. He further submitted that the investigation has been concluded and the final PR has been submitted. Learned counsel for the Petitioner submitted that the

Petitioner does not have any similar criminal antecedents and though he does not belong 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. Learned counsel for the Petitioner, further referring to the allegations made in the FIR, submitted before this Court that as per the FIR allegation, a total quantity of 40 kg contraband Ganja was recovered from the possession of the five accused persons including the present Petitioner. He further submitted that, as per the seizure list, separate seizures had been made, namely, Petitioner was found carrying a bag containing 8 kg of ganja, which was also seized. He further submitted that, in view of the aforesaid separate seizures, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the Petitioner's case. On such ground, learned counsel for the Petitioner submitted that the Petitioner be enlarged 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 West Bengal, therefore, release of the Petitioner be difficult to ensure the appearance of the Petitioner before the Trial Court during trial. 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, further keeping the

view the seizure of the contraband article made in this case from the Petitioner and further taking note of the fact that the Petitioner does not have any similar criminal antecedent and in the meantime final PR has been submitted, 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.40,000/- (Rupees forty 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 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) he shall not be involved in any offence of similar nature while on bail;

III) he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;

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

V) he 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 any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. BLAPL is accordingly disposed of.

Issue urgent certified copy of this order as per Rules.

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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