IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10666 of 2026
CNR No. ODHC010766582026

Motilal Digal ..... ***Petitioner***

Represented by Adv. –
Mr. Sarat Kumar Jena

-versus-

State of Odisha ..... ***Opposite Party***

Represented by Adv. –

Miss. Babita Kumari Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No.

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

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with Spl. G.R. Case No.74 of 2026, arising out of Daspalla P.S. Case No.200 of 2026, pending in the court of learned Sessions Judge-cum-Special Judge, Nayagarh, for alleged commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 31.07.2026. He further submitted that in the meantime, though investigation has progressed substantially, however, charge sheet has not been filed. Further, referring to the allegation made in the F.I.R., learned counsel for the Petitioner submitted that a total quantity of 21 Kgs. of contraband Ganja was recovered from the dicky of a car of which the Petitioner was the driver. Learned counsel for the Petitioner, at this juncture, seriously disputed the recovery of the contraband Ganja from the exclusive and conscious possession of the present Petitioner. He further contended that taking into consideration the aforesaid fact, the bar under Section 37 of the N.D.P.S. Act would be attracted to the facts of the Petitioner's case. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding, and that he does not have any similar criminal antecedent. On such grounds, learned counsel for the Petitioner contended that the Petitioner be enlarged on bail on any terms and conditions as would be deemed just and proper by this Court.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. He further contended that in the event the Petitioner is released on bail, there is every possibility that he might abscond from justice which would eventually cause delay in conclusion of the investigation as well as filing of

the charge sheet. He further submitted that the cases of illegal transportation of contraband Ganja are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. On such grounds, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the facts and circumstances leading to the seizure of the contraband article from the possession of the present Petitioner, further taking note of the period of custodial detention of the Petitioner and the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail.

7. 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 Court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent of similar nature. In the event it is found that the Petitioner is

having any criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 12-Nov-2026 13:40:25