IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11061 of 2026

CNR No.ODHC010770652026

Sarat Kumar Jal & Another .... ***Petitioners***
Mr. C. Rout, Advocate

-versus-

State of Odisha .... ***Opp. Party***
Mr. U.C. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **20.11.2026**

02. 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 bail application as well as documents annexed thereto during the hearing.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Talcher P.S. Case No. 1027 of 2026, corresponding to C.T. (Spl.) NDPS Case No. 15 of 2026, pending before the learned Additional Sessions Judge-cum-Special Judge, Talcher, for alleged commission of offence punishable under Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. It is stated by the learned counsel for the Petitioners that, the Petitioners are in custody since 18.09.2026. He further contended that the investigation has been concluded and that the

charge-sheet has been filed. He further contended 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. Further, referring to the allegations made in the FIR, learned counsel for the Petitioner contended as per the prosecution allegations a total quantity of 8.660 grams of Brown Sugar was recovered from the accused persons. He further submitted that such contraband article was recovered from the accused Santu @ Santosh Jal. So far as the present Petitioners shall concerned, it is stated that nothing was recovered from their exclusive and conscious possession. In such view of the matter, learned counsel for the Petitioner contended that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the Petitioner's case.

5. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner on the ground that the allegation made against the Petitioner is serious in nature. He further submitted that in the event, the Petitioner is release on bail, there is every likelihood that either he might have absconded or indulgence in the criminal activities. On such grounds, learned counsel for the State prayed 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 nature and gravity of the allegations as well as the circumstance leading to seizure of the contraband article and the fact that nothing has been recovered excusive and conscious possession of the present Petitioner, therefore, the bar under Section 37 would not be

attracted and that the Petitioner does not have any criminal antecedents, this Court is inclined to release the Petitioners on bail subject to each of the Petitioners furnishing bail bond of Rs.40,000/- (Rupees Fourty 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 Petitioners shall also be subject to such other terms and conditions as is deemed just and proper by the Court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is further directed that the bail granted to the Petitioner shall be subject to the condition that the court below shall verify the criminal antecedent of the Petitioners. In the event it is found that they are having any criminal antecedents involving offence under the NDPS Act then this bail order shall automatically stand revoked.

8. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

Sarbani

Signature Not Verified
Digitally Signed
Signed by: SARBANI DASH
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 20-Nov-2026 18:03:36