IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10443 of 2026
CNR No. ODHC010773342026

Sushanta Kumar Mohanty @ Kalu @ Sasant Mohanty ..... ***Petitioner***

Represented by Adv. - Amit Kumar Sahu

-versus-

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

Represented by Adv. -Mr. U.C.Jena, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **29.10.2026**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical 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 the B.N.S.S. has been filed by the Petitioner for regular bail in connection with T.R. No.76 of 2026, arising out of Damanjodi P.S. Case No.74 of 2026, pending in the Court of learned Additional Sessions Judge Cum Special Judge, Koraput for alleged commission of offence punishable under Sections 21(b) of the N.D.P.S. Act & Section 18(c)/27(b)(ii) Drugs and

Cosmetic Act, 1940.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been in custody since 17.08.2026. He further contended that, in the meantime, the investigation has been completed and the final charge sheet has been filed. In the course of his submissions, learned counsel fairly submitted that the Petitioner has two similar criminal antecedents. However, he submitted that the Petitioner is ready and willing to abide by any stringent terms and conditions that may be imposed by this Court in the event of his release on bail. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding.

5. Further, referring to the allegations made in the F.I.R., learned counsel for the Petitioner submitted that, as per the prosecution case, 17 Pentazocine injections of a particular batch and three injections of a different batch were seized from the possession of the present Petitioner. He further submitted that the total net quantity of the contraband involved in the present case is 32 grams, which is less than the commercial quantity. Accordingly, learned counsel contended that, having regard to the quantity of the contraband involved, the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case. Learned counsel further submitted that one of the co-accused persons, from whose possession certain contraband articles were also seized, has already been released on bail by the learned trial Court. In view of the aforesaid submissions,

learned counsel for the Petitioner prayed that the Petitioner be enlarged on bail on such stringent terms and conditions as this Court may deem just and proper.

6. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the ground that in the event the Petitioner is released on bail, there is a possibility that he might be involved in similar criminal offences. Learned Additional Standing Counsel submitted that considering the nature of allegation and the contraband used in the present case, the release of the petitioner would be a threat to the society. Therefore, he submitted that the prayer for bail 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 and further keeping the view the period of detention of the Petitioner in jail custody and the fact that the Petitioner has two similar criminal antecedents, 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 Court in seisin over the matter subject to the following condition:

I) he shall appear before the concerned Police

Station once every fortnight, preferably on a Sunday, between 10:00 A.M. and 1:00 P.M., for a period of three months.

9. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

10. 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 more than two similar criminal antecedents, this bail order shall automatically stand revoked.

11. It is further directed that the bail granted to the Petitioner is subject to depositing a cash security of Rs.5,000/- (Rupees Five Thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

12. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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