IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10728 of 2026
CNR No. ODHC010779832026

Raghu Muduli **.....** ***Petitioner***

Represented by Adv. - Mangu Nandy

-versus-

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

Represented by Adv. – M.R. Patra, A.S.C.

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

ORDER
28.10.2026

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 Spl.G.R. Case No.105 of 2024, arising out of Malkangiri P.S. Case No.377 of 2024, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Malkangiri for alleged commission of offence punishable under Sections 20(b)(ii)C, 25 & 29 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 10.11.2024. He further contended that the investigation has been concluded and final charge sheet has

been filed. Moreover, the Petitioner does not have any criminal antecedent and he belongs to the locality.

5. Upon perusal of the record, it appears that the Petitioner had earlier approached this Court by filing BLAPL No.221 of 2025. A coordinate Bench of this Court disposed of the said bail application on 11.08.2025, granting liberty to the Petitioner to move a fresh bail application after the examination of the seizure witnesses. Thereafter, the Petitioner again approached this Court by filing BLAPL No.12501 of 2025, which was also disposed of on 28.01.2026, reiterating the liberty granted to the Petitioner to move a fresh bail application after the examination of the seizure witnesses. Learned counsel for the Petitioner contended that, in the meantime, the seizure witnesses have been examined.

6. Upon perusal of the FIR, it appears that the Petitioner, along with two other co-accused persons, has been implicated in the present case for allegedly transporting 600 kg of contraband ganja illegally. The prosecution's case is that the contraband ganja was being transported in a tractor, which was seized by the police, however, the accused persons fled from the spot. The Petitioner, being the owner of the vehicle, was subsequently arrested. On the basis of his statement, the other two co-accused persons were also apprehended. Accordingly, all three accused persons are presently languishing in custody.

7. Learned counsel for the Petitioner, in the course of his arguments, referred to the depositions of the seizure witnesses and submitted before this Court that they have turned hostile. This submission was not disputed by learned counsel for the State. Emphasising the fact that the seizure witnesses had turned hostile,

learned counsel for the Petitioner contended that the seizure of the contraband article had not yet been established. Therefore, no case can be said to have been made out against the present Petitioner. He further submitted that, with regard to the period of custodial detention and the fact that the Petitioner had no similar criminal antecedents, the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case. On these grounds, learned counsel for the Petitioner prayed that the Petitioner be enlarged on bail on such stringent terms and conditions as this Court might deem fit and proper.

8. Learned Additional Standing Counsel, appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the grounds of the gravity and seriousness of the allegations. He further submitted that the Petitioner has been implicated in the present case in connection with an allegation that the Petitioner along with two other co-accused persons were transporting a huge quantity of contraband ganja weighing 600 kg. Learned counsel for the State further contended that, although the accused persons fled from the spot when the police party arrived, they were subsequently apprehended and have admitted their involvement in the alleged crime. On the basis of the aforesaid allegations, learned counsel for the State submitted that the bar under Section 37 of the NDPS Act would be squarely applicable to the facts of the Petitioner's case. Accordingly, learned counsel for the State opposed the release of the Petitioner on bail and prayed for rejection of the bail application.

9. Having heard the learned counsel appearing for the respective parties and upon careful consideration of the facts and

circumstances of the present case, the nature and gravity of the allegations, and a thorough scrutiny of the depositions of the seizure witnesses, this Court finds that the said witnesses have not supported the prosecution case and have turned hostile. Thus, the prosecution is required to establish its case against the present petitioner on the basis of the other materials available on record. However, taking into consideration the period of custodial detention as well as the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

10. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(Rupees Fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

11. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. While imposing conditions, the learned court in seisin over the matter shall also impose the following conditions: –

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

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

III) the Petitioner shall appear before the learned trial court during trial on each date of posting, unless his personal appearance is dispensed with by the learned trial court;

IV) the Petitioner shall not leave the jurisdiction of the court in seisin over the matter without prior permission of the court in seisin over the matter; and

V) the Petitioner shall appear before the concerned Police Station once in a fortnight, preferably, on a 'Sunday' in between 10.00 A.M. to 1.00 P.M. for a period of three months, thereafter, once in a month for another period of three months.

Violation of any of the conditions shall entail cancellation of the bail application.

12. 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 antecedents of the Petitioner. In the event it is found that the Petitioner is having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

13. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 29-Oct-2026 14:43:12