IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10953 of 2026
CNR No. ODHC010787052026

Mahaprasad Maharudra Rout ***.....*** ***Petitioner***

Represented by Adv.
- Deepak Ku Sahoo

-versus-

STATE OF ODISHA ***.....*** ***Opposite Parties***

Represented by Adv. –
Miss B.K. Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No.

02. 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 B.N.S.S. has been filed by the Petitioner for regular bail in connection with T.R. No.122 of 2026, arising out of Kendrapara Excise Station P.R. No.51 of 2026-27, pending in the Court of learned Sessions Judge-cum-Special Judge, Kendrapara for alleged commission of offence punishable under Section 21(b) of the NDPS Act.

4. It is stated by the learned counsel for the Petitioner that the Petitioner who happens to be a young boy prosecuting his studies, is

languishing in custody since 02.10.2026. He further contended that in the meantime although the investigation has substantially progressed however, the charge sheet has not been filed. Learned counsel for the Petitioner further submitted that the Petitioner has been falsely implicated in the present case. He further contended that the Petitioner is a first time offender and he does not have any criminal antecedent. It was also brought to the notice of this Court that he belongs to the locality, therefore, there is no chance of his absconding. With regard to the allegation made in the FIR, learned counsel for the Petitioner contended that as per the prosecution allegation a total quantity of 20 grams brown sugar has been recovered from the possession of the present Petitioner. Learned counsel for the Petitioner disputed such recovery from the exclusive and conscious possession of the present Petitioner. He further submitted that the bar under Section 37 of NDPS Act would not be attracted to the facts of the Petitioner's case. In such view of the matter, learned counsel for the Petitioner contended that the Petitioner be enlarged on bail on any stringent terms and conditions.

5. Learned Additional Govt. Advocate 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 Govt. Advocate submitted that nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Having heard the learned counsels appearing for the respective parties and on a careful analysis of the materials on record and

further taking note of the submissions made by learned counsel for the Parties, this Court observes that the Petitioner who happens to be a student has secured first division both in matriculation as well as in +2 . It appears that he is prosecuting further studies. On perusal of the record as well as on consideration of the submissions made by the learned counsel for the Petitioner, it appears that the Petitioner is a first time offender and that he does not have any similar criminal antecedent. Taking into consideration the aforesaid facts, this Court is inclined to give another opportunity to the Petitioner.

7. Accordingly, 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 learned trial Court shall ensure that one of the bailers could be either of the parents of the Petitioner or of his close relatives. The release of the Petitioner shall also be subject to such other terms and conditions as would be deemed just and proper by the court in seisin over the matter. Violation of any of the condition shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner shall be 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 similar criminal antecedent of similar nature, 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

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-Nov-2026 17:38:21