IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10838 of 2026
CNR No. ODHC010796472026

Sanjay Naik & Anr. **.....** ***Petitioners***

Represented by Adv. - Kuldeep Mohanty

-versus-

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

Represented by Adv. -Mr. M.K.Mohanty, A.S.C.

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

ORDER

Order No. **05.11.2026**

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

2. Heard learned counsel appearing for the Petitioners 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 Petitioners for regular bail in connection with C.T. (NDPS) Case No.38 of 2026, arising out of Angul P.S Case No.595 of 2026, pending in the Court of learned Judge, Special Court Under NDPS Act-Cum-Addl. Sessions Judge, Angul for alleged commission of offence punishable under Sections 20(b)(ii)(c) of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioners

that the Petitioners are in custody since 22.07.2026. He further contended that in the meantime, the investigation has been concluded and the final charge sheet has been filed. Learned counsel for the Petitioners further submitted that the Petitioner No.1 is having one similar criminal antecedent and the Petitioner No.2 does not have any similar criminal antecedent. He further submitted that they belong to the locality, therefore, there is no chance of their absconding.

5. Further referring to the allegations made in the F.I.R., learned counsel for the Petitioners contended that, as per the prosecution case, a total quantity of 5.95 grams of contraband brown sugar was recovered from the possession of four persons, including the present Petitioners. Learned counsel for the Petitioners seriously disputed the alleged recovery of the contraband article from the exclusive and conscious possession of the present Petitioners. He further submitted that, having regard to the quantity of the contraband article seized, which is below the commercial quantity, the bar under Section 37 of the NDPS Act would not be attracted to the facts of the present case. On the aforesaid grounds, learned counsel for the Petitioners prayed that the Petitioners be enlarged on bail on such stringent terms and conditions as this Court may deem fit and proper.

6. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioners on bail on the ground that in the event the

Petitioners are released on bail, there is a possibility that they 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 Petitioners would be a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioners 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 Petitioners in jail custody and the fact that the Petitioner No.1 is having one similar criminal antecedent and the Petitioner No.2 does not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

8. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand) each with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. 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, learned court below shall also impose a condition that the Petitioner No.1 shall appear before the jurisdictional 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 and thereafter, once in a month for a further period of three months. Violation of any other conditions shall entail cancellation of the bail application

9. It is further directed that the bail granted to the Petitioners is subject to the condition that the court below shall verify whether the Petitioners are having any criminal antecedent of similar nature. In the event it is found that the Petitioner No.1 is having more than one similar criminal antecedent and the Petitioner No.2 is having any similar criminal antecedent, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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Reason: Authentication
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