IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11169 of 2026
CNR No. ODHC010800272026

Pulak Kumar Swain **.....** ***Petitioner***

Represented by Adv. –
Mr. Deepak Ku Sahoo

-versus-

State of Odisha **.....** ***Opposite Parties***

Represented by Adv. –

Miss Babita Kumari
Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
31.10.2026

Order No.

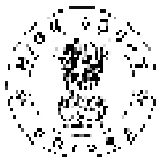
01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with T.R. No.84 of 2026, arising out of District Mobile Unit P.R. No.102 of 2026, pending in the court of learned Special Judge-cum-Sessions Judge, Kendrapara, for alleged commission of offence punishable under Section 21(c) of the N.D.P.S. Act, 1985.

4. Learned counsel for the Petitioner submitted that the Petitioner has been languishing in jail custody since 07.07.2026. He further submitted that in the meantime investigation has been concluded and final charge sheet has been filed. Learned counsel for the Petitioner, at this juncture, contended that there is no possibility of trial being commenced in near future. He further contended that the Petitioner does not have any similar criminal antecedent and that he 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 allegation, a total quantity of 6.2 liters of ZEBISCAN Triprolidine Hydrochloride and Codeine Phosphate cough syrup, comprising 62 bottles, was seized from the possession of the present Petitioner. Learned counsel for the Petitioner, referring to the quantity of contraband article seized from the custody of the present Petitioner, submitted that the seized quantity is the less than the commercial quantity, therefore, the bar under Section 37 would not be attracted to the Petitioner's case. He further submitted that taking into consideration the fact that the Petitioner does not have any similar criminal antecedent and that the bar under Section 37 of the NDPS Act would not be attracted to the facts of the Petitioner's case, the Petitioner be enlarged on bail on any stringent terms and conditions as would be deemed just and proper by this Court.



6. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. She further contended that in the event the Petitioner is released on bail, there is every possibility that he might abscond from justice which would eventually cause delay in conclusion of the trial. On such grounds, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

7. Having regard to the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case as well as taking into consideration the circumstances leading to seizure and the weight of the contraband article seized in the present case from the alleged possession of the present Petitioner, this Court is of the view that the exact quantity needs to be finally adjudicated at the trial

8. That said, without entering into such controversy and taking note of the fact that the Petitioner does not have any similar criminal antecedent and in the meantime charge sheet has been filed, this Court is inclined to release the Petitioner on bail subject to stringent conditions.

9. 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 local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. Further, the release of the Petitioner shall also be subject

to the following conditions:-

I) He shall not indulge in similar criminal activities while on bail; and

II) He shall appear before the trial court on each and every date fixed, unless his personal appearance is dispensed with;

10. It is open for the court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the condition imposed either by this Court or the court in seisin over the matter shall entail cancellation of bail.

11. 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 criminal antecedent involving the offence under the NDPS Act, then this bail order shall automatically stand revoked.

12. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 02-Nov-2026 13:56:05