IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10947 of 2026
CNR No. ODHC010801272026

Abinash Saraf **.....** ***Petitioner***

Represented by Adv. - Suryakanta Dwibedi

-versus-

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

Represented by Adv. -Mr. M.R.Patra, A.S.C.

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

ORDER

Order No. **04.11.2026**

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 B.N.S.S. has been filed by the Petitioner for regular bail in connection with 2(a)CC Case No.09 of 2026, arising out of P.R No.128 of 2026-2027, pending in the Court of learned Special Judge, Kantabanji for alleged commission of offence punishable under Sections 21(c) of the N.D.P.S. Act.

4. Learned counsel for the Petitioner submits that the Petitioner has been in custody since 28.09.2026. He further submits that although the investigation has progressed substantially, the charge

sheet has not yet been filed. He further submitted 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 contended that, as per the prosecution case, a total of 29 bottles of cough syrup were allegedly recovered from the possession of the present Petitioner, though the alleged recovery from his exclusive and conscious possession is disputed. He further submitted that, having regard to the total quantity of Codeine involved, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition which the Petitioner undertakes to abide by while on bail.

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 does not have any similar criminal antecedent, 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.

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 any similar criminal antecedent, this bail order shall automatically stand revoked.

11. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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