IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11057 of 2026
CNR No. ODHC010806932026

Smt. Mandakini Gouda **.....** ***Petitioner***

Represented by Adv. –
Mr. Lambodor Achari

-versus-

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

Represented by Adv. –

Miss Babita Kumari
Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
28.10.2026

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 has been filed by the Petitioner for regular bail in connection with 2(a) C.C. No.25 of 2026(N), arising out of P.R. No.71 of 2026-27 of the Inspector of Excise, District Striking Force, Ganjam, Chatrapur, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Aska, for alleged commission of offence punishable under Section

20(b)(ii)(C) of the N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner, who is a lady, is in custody since 02.09.2026. He further submitted that investigation in this case has progressed substantially in the meantime. Learned counsel for the Petitioner further contended that the Petitioner does not have any similar criminal antecedent and that she belongs to the locality, therefore, there is no chance of her absconding. He further contended that as per the prosecution allegation, a total quantity of 22 Kgs. 500 Grams of contraband Ganja were recovered from the possession of the two persons including present Petitioner. Learned counsel for the Petitioner seriously disputed such seizure from the exclusive and conscious possession of the present Petitioner. He further contended that taking into consideration the quantity of contraband Ganja seized from two persons, the bar under Section 37 of the NDPS Act, 2023 would not be attracted to the Petitioner's case. On such grounds, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any stringent terms and conditions which he shall abide by while on bail.

5. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the ground that allegations made against the Petitioner are serious in nature. She further submitted that in the event the Petitioner is released on bail, there is every likelihood that she might abscond from justice which would eventually cause

delay in conclusion of the investigation as well as filing of the charge sheet. She further submitted that the cases of illegal transportation of contraband Ganja are on rise in State of Odisha now-a-days. Therefore, no leniency should be shown to the accused persons who are involved in such type of offence. On such grounds, it is submitted that the prayer for bail of the Petitioner be rejected.

6. Considering the submissions made by the learned counsels appearing for the respective parties and upon a careful examination of the surrounding facts and circumstances of the present case, further taking into consideration the fact that there is no recovery from the exclusive and conscious possession of the present Petitioner, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the case of the Petitioner and the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.35,000/-(Rupees thirty five thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

8. 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 has any criminal antecedent of similar nature. In the event it is found that the Petitioner is having similar criminal antecedent involving offence under the NDPS Act, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
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Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 30-Oct-2026 14:51:27