IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11143 of 2026
CNR No. ODHC010810522026

Madan Sikdar **.....** ***Petitioner***

Represented by Adv. -
Satyabrata Dash

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented by Adv.
–Mr. U.C. Jena, ASC

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

ORDER

09.11.2026

Order No.

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

2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the materials placed before this Court.

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 Khaira Excise Station PR No.135/2026-27 arising out of Special Case No.09/2026 pending in the Court of learned Additional District & Sessions Judge, Soro for the alleged commission of offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 24.08.2026. In the meantime, the investigation is concluded and the charge-sheet has already been filed. He further contended that as per the F.I.R. allegation the

quantity of ganja seized, i.e., 10 Kgs., which was recovered from the conscious & exclusive possession of the Petitioner, which is less than the commercial quantity, a bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case. He further submitted that the Petitioner does not have any similar criminal antecedent. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions that would be imposed by this Court while the Petitioner release on bail.

5. The leaned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that numbers of such cases are increasing day-by-day and no leniency should be shown to the petitioner or similarly situated persons and that the petitioner belongs to the State of West Bengal.

6. 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.

7. 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 solvent sureties each one of whom shall a local surety for the like amount to the satisfaction of the Court in seisin over the matter subject to the following terms and conditions:-

> I. The petitioner shall also file an affidavit before the trial court with regard to indicating there his residential details, other details like

Aadhar No., Phone No. before the jurisdictional police station and further release of the petitioner shall be subject to verification of such details as would be furnished by any relative of the petitioner in the shape of an affidavit;

II. he shall not be involved in any offence of similar nature;

III. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;

IV. he shall not make any default in attending the court during trial on each date without fail; and

V. he shall appear before the concerned Police Station once in a month preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial;

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 be subject to the condition that the court below shall verify the criminal antecedent of the Petitioner. In the event the Petitioner is having any similar criminal antecedent, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Urgent certified copy of this order be granted as per rules.

(Aditya Kumar Mohapatra)
Judge

Binayak

Signature Not Verified
Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Nov-2026 16:06:57