IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11464 of 2026
CNR No. ODHC010815792026

Abhishek Maliya **.....** ***Petitioner***

Represented by Adv. -
Dibya Jyoti Sahoo

-versus-

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

Represented by Adv. -Mr.
U.C.Jena, A.S.C.

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

ORDER

Order No. **31.10.2026**

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) C.C. Case No.36 of 2026, arising out of Inspector of Excise, Dist. Mobile Unit, Jharsuguda P.R. Case No.224 of 2026-27, pending in the Court of learned Special Judge, Jharsuguda for alleged commission of offence punishable under Sections 20(b)(ii)(B) of the N.D.P.S. Act.

4. t is submitted by learned counsel for the Petitioner that the

Petitioner has been in custody since 23.09.2026. He further contended that the investigation has progressed substantially; however, the charge-sheet has not yet been filed. It is also contended that, keeping in view the quantity of Ganja seized, i.e., 8 kg, which is less than the commercial quantity, the bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case. Learned counsel further submitted that the Petitioner does not have any criminal antecedent of a similar nature. He also fairly contended that, although the Petitioner does not belong to the State of Odisha, he is ready and willing to abide by any stringent terms and conditions that may be imposed by this Court in the event of his release on bail. In such view of the matter, learned counsel for the Petitioner prayed for his release on bail subject to such terms and conditions as this Court may deem fit and proper, which the Petitioner undertakes to abide by during the period of bail.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that such cases are increasing day-by-day and no leniency should be shown to the petitioner. He further submitted that the Petitioner belongs to State of Chhattisgarh, therefore, release of the Petitioner be difficult to ensure the appearance of the Petitioner before the Trial Court during trial. In such view of the matter, he submitted that the bail application of the Petitioner be rejected at this juncture.

6. Having heard learned counsel for the respective parties

and on careful consideration of the surrounding facts as well as materials on record, further taking into consideration the period of detention, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.40,000/- (Rupees Forty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned 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 & 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 while on bail;

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;

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

the trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

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 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.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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Reason: Authentication
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