IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11095 of 2026
CNR No. ODHC010816472026

Guru Khillo **.....** ***Petitioner***

Represented by Adv. -
Soumya Kanta Tripathy

-versus-

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

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

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.11.2026

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 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 Special G.R. Case No.126 of 2025, arising out of Orkel P.S. Case No.248 of 2025, pending in the Court of learned Sessions Judge –cum-Special Judge, Malkangiri for alleged commission of offence punishable under Sections 20(b)(ii)(C)/25/29 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 18.09.2025. He further contended that in the meantime investigation has been concluded and final charge-sheet has been filed. Learned counsel for the Petitioner further submitted that although the Petitioner does not have any similar criminal antecedent, however he is ready and willing to abide by any stringent terms and conditions that would be imposed by this Court in the event he is released on bail. He further submitted that the Petitioner belongs to locality, therefore there is no chance of his absconding.

5. Further, referring to the allegation made in the FIR, learned counsel for the Petitioner contended that as per the prosecution allegation a total quantity of 50 kgs of contraband of ganja was recovered from two accused persons including the present Petitioner. Learned counsel for the Petitioner seriously disputed the recovery of the alleged contraband article from the possession of the present Petitioner. He further submitted that the Petitioner has been falsely implicated in the present case. On such ground, learned counsel for the Petitioner contended that the bar under Section 37 of the N.D.P.S. Act would not be strictly applicable to the facts of the Petitioner's case. He further contended that although the charge-sheet has been filed and the Petitioner is languishing in custody for more than one year, however there is no possibility of the trial commencing in the near future. On such ground learned counsel for the Petitioner submitted that the Petitioner be released on bail on any stringent

terms and conditions.

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 nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

7. Considering the submissions made by learned counsel appearing for both sides, and on a careful examination of the surrounding facts and circumstances as well as the nature of the allegation, further taking into consideration the fact that charge-sheet has already been filed and the trial has not commenced, 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.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. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the Court in seisin over the matter. Violation of any of the conditions shall entail cancellation of bail.

9. 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 similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

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Signature Not Verified
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Signed by: RUBI BEHERA
Reason: Authentication
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Date: 12-Nov-2026 14:15:59