IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11247 of 2026
CNR No. ODHC010817832026

Abilmon K.A. and others **.....** ***Petitioners***

Represented by Adv. - Mahes Das

-versus-

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

Represented by Adv. –Ms. B.K. Sahu, AGA

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

ORDER

17.11.2026

Order No.

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

2. Heard learned counsel for the Petitioners 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 Petitioners for regular bail in connection with 2(a) C.C. Case No.57 of 2026 arising out of O.I.C. of Excise, Balliguda P.R. No. 134 of 2026-2027 pending in the Court of learned Special Judge-cum-Addl. Dist. & Sessions Judge, Balliguda for alleged commission of offence punishable U/s. 20(b)(ii)(B) of the N.D.P.S Act.

4. It is stated by the learned counsel for the Petitioners that the Petitioners are in jail custody since 01.10.2026. He further contended

that in the meantime, the investigation has substantially progressed and charge-sheet has not been filed. He further contended that as per the prosecution allegation, the quantity of ganja seized, i.e., 18 Kgs., which was recovered from possession of four persons including the present Petitioners, which is less than the commercial quantity and 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 Petitioners have no criminal antecedents. In such view of the matter, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and conditions that would be imposed by this Court while the Petitioners release on bail.

5. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, objected the release of the Petitioners on bail on the ground of gravity and seriousness of the allegation. In the event, the Petitioners are released on bail, there is every likelihood that they might abscond, which may cause delay in trial. The leaned Additional Government Advocate for the State further contended that numbers of such cases are increasing day-by-day and no leniency should be shown to the Petitioners or similarly situated persons and that the Petitioners belongs to the State of Kerala. Therefore, she submitted that the prayer for bail of the Petitioners be rejected at this juncture.

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 Petitioners in jail custody and the fact that the Petitioners do not have any similar criminal antecedents, this Court is inclined to release the Petitioners on bail subject to

imposition of stringent conditions.

7. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/-(Rupees forty thousand) each 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 petitioners 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 petitioners shall be subject to verification of such details as would be furnished by any relative of the petitioners in the shape of an affidavit;

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

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

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

V. they 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 Petitioners be subject to the condition that the court below shall verify the criminal antecedent of the Petitioners. In the event the Petitioners are 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: 18-Nov-2026 12:06:10