IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11278 of 2026
CNR No. ODHC010822252026

Sushanta Kumar Sahoo @ Chian ..... ***Petitioner***

Represented by Adv. – Mr. Bibhuti Ranjan Mohanty

-versus-

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

Represented by Adv. –

Mr. Pradipta Satpathy, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
03.11.2026

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 bail application as well as the documents annexed thereto.

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 T.R. Case No.254 of 2026, arising out of Nayapalli P.S. Case No.242 of 2026, pending in the court of learned Sessions Judge, Khurda at Bhubaneswar, 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 is languishing in jail custody since 17.04.2026. He further submitted that in the meantime investigation has been concluded and charge sheet has been filed. Further, referring to the allegation made in the prosecution report, learned counsel for the Petitioner submitted that a total quantity of 22.980 Kgs. of contraband Ganja was recovered from the five persons including the present Petitioner. Learned counsel for the Petitioner, at this juncture, seriously disputed the recovery of the contraband Ganja from the exclusive and conscious possession of the present Petitioner. He further contended that taking into consideration the aforesaid fact, the bar under Section 37 of the N.D.P.S. Act would be attracted to the facts of the Petitioner's case. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. Learned counsel for the Petitioner further submitted that although the Petitioner has a few criminal antecedents, all of those are below the commercial quantity. It was submitted that the Petitioner is ready and willing to abide by any stringent terms and conditions imposed by this Court in the event he is released on bail.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. He further contended that in the event the Petitioner is released on bail, there is every possibility that he might abscond from justice which would eventually cause delay in conclusion of the trial. He 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 at this juncture.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case, further taking note of the fact that the Petitioners do 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.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. While imposing conditions, the court in seisin over the matter shall also impose the following additional conditions:-

I. He shall not indulge in similar criminal activities while on bail;

II. He shall appear before the local police station once in a fortnight, preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. for a period three months, thereafter once in a month till conclusion of the trial; and

III. He shall furnish a cash security of Rs.5,000/- (Rupees five thousand) before the court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank for a period of one year which shall be renewed from time to time

till disposal of the case. The said deposit shall be subject to the final outcome of the trial.

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions imposed either by this Court or the court in seisin over the matter shall entail cancellation of the bail.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 05-Nov-2026 17:30:03