IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11615 of 2026
CNR No. ODHC010826692026

Papu Panda @ Sachiranjan Panda & Anr. ..... ***Petitioners***

Represented by Adv. -
Manas Kumar Chand

-versus-

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

Represented by Adv. -
Ms. B.K.Sahu, A.G.A.

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

ORDER

Order No. **05.11.2026**

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

2. Heard learned counsel appearing for the Petitioners 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 Petitioners for regular bail in connection with Spl. G.R(N) No.09 of 2026, arising out of Ersama P.S. Case No.116 of 2026, pending in the Court of learned Addl. Sessions Judge-Cum-Special Judge, Kujanga for alleged commission of offence punishable under Sections 20(b)(ii)(C),25/29 of N.D.P.S Act.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 31.03.2026. He further submitted

that in the meantime the investigation has been concluded and the charge sheet has been filed. Learned counsel for the Petitioners, at this juncture, contended that one of the co-accused persons, who is similarly placed, has already been enlarged on bail. He further submitted that, although Petitioner No.1 has two similar criminal antecedents, both relate to possession of contraband articles in quantities below the commercial quantity, and he has already been enlarged on bail in both the cases. So far as Petitioner No.2 is concerned, it is submitted that he has no criminal antecedents. It was also brought to the notice of this Court that both the Petitioners are residents of the locality and, therefore, there is no likelihood of their absconding.

5. Further referring to the allegations made in the F.I.R., learned counsel for the Petitioners contended that, as per the prosecution case, a total quantity of 27 Kg. 600 grams of contraband Ganja was allegedly recovered from the possession of both the accused persons. He further submitted that the alleged recovery of the contraband articles from the exclusive and conscious possession of the present Petitioners is seriously disputed. On such ground, learned counsel for the Petitioners contended that the applicability of the bar under Section 37 of the N.D.P.S. Act is doubtful. In such view of the matter, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and condition which the Petitioners undertake to abide by while on bail.

6. Learned Additional Government Advocate appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioners on bail on the ground that in the event the Petitioners are released on bail, there is a possibility that they might be involved in

similar criminal offences. Learned Additional Government Advocate submitted that considering the nature of allegation and the contraband used in the present case, the release of the Petitioners would be a threat to the society. Therefore, she submitted that the prayer for bail of the Petitioners be rejected at this juncture.

7. Having heard learned counsel appearing for the respective parties and upon careful consideration of the surrounding facts and circumstances of the present case, this Court also takes into account the period of detention undergone by the Petitioners in judicial custody, the fact that Petitioner No.1 is having two similar criminal antecedents, whereas Petitioner No.2 has no similar criminal antecedent. In view of the aforesaid, this Court is inclined to release the Petitioners on bail, subject to imposition of stringent conditions.

8. 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 local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

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

10. However, while imposing conditions, the learned Court below shall also impose the following conditions in respect of the Petitioner No.1:

(i) Petitioner No.1 shall not indulge in any similar criminal activities during the period of bail.

(ii) Petitioner No.1 shall appear before the local Police Station once in a fortnight, preferably on a Sunday between 10.00 A.M.

and 1.00 P.M., for a period of three months and thereafter, once in a month for a further period of three months.

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

11. It is further directed that the bail granted to the Petitioners is subject to the condition that the court below shall verify whether the Petitioners are having any criminal antecedent of similar nature. In the event it is found that the Petitioner No.1 is having more than two similar criminal antecedents and the Petitioner No.2 is having any similar criminal antecedent, this bail order shall automatically stand revoked.

12. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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Signature Not Verified
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Reason: Authentication
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