**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**BLAPL No.11356 of 2026**
**CNR No. ODHC010829562026**

***Laxmin Maliya & Anr.*** ..... ***Petitioners***

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 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 C.T. (Special)/ Crl.T (Special) Case No.72 of 2026, arising out of Belpahar PS. Case No.187 of 2026, 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 Petitioners that

the Petitioners have been in custody since 24.09.2026. 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., 10 kg 174 grams, 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 Petitioners do not have any criminal antecedent of a similar nature. He also fairly contended that, although the Petitioners do 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 their release on bail. In such view of the matter, learned counsel for the Petitioners prayed for their release on bail subject to such terms and conditions as this Court may deem fit and proper, which the Petitioners undertake to abide by during the period of bail.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioners on the ground that such cases are increasing day-by-day and no leniency should be shown to the Petitioners. He further submitted that the Petitioners belong to State of Chhattisgarh, therefore, release of the Petitioners be difficult to ensure the appearance of the Petitioners before the Trial Court during trial. In such view of the matter, he submitted that the bail application of the Petitioners 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 Petitioners on bail on furnishing a bail bonds of Rs.40,000/- (Rupees Forty Thousand) each 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 Petitioners shall also file an affidavit before the Trial Court with regard to indicating there their residential details other details like Aadhar No., Phone No. before the jurisdictional police station & 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 while on bail;

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;

V) They 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 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 Petitioners are 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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