IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11311 of 2026
CNR No. ODHC010831042026

1) Sribanta Kanhar	***.....***	***Petitioners***
2) Rakesh Kumar Digal		Represented by Adv. – Mr. Amulya Ratna Panda

-versus-

State of Odisha	***.....***	***Opposite Party***
		Represented by Adv. – Miss. Babita Kumari Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
27.10.2026

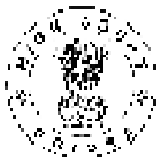
Order No.

01. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel appearing for the Petitioners and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of BNSS, 2023 has been filed by the Petitioners for regular bail in connection with Special G.R. Case No.116 of 2026, arising out of Ullunda P.S. Case No.179 of 2026, pending in the court of learned Special Judge, Sonepur, for alleged commission of offences punishable under Sections 20(b)(ii)B/25/29 of N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 09.09.2026. He



further submitted that as per F.I.R., a total quantity of 9 Kgs. of contraband Ganja was recovered from the possession of the Petitioners. He further contended that since the seized contraband Ganja is less than the commercial quantity, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case. He further submitted that in the meantime investigation has progressed substantially. He further contended that since the Petitioners belong to the locality, there is no chance of their absconding. It is also contended that the Petitioners do not have any similar criminal antecedent. On such ground, 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 which they shall abide by while on bail.

5. 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 allegation made against the Petitioners is serious in nature. He further contended that the investigation is still on. He further contended that in the event the Petitioners are released on bail, there is every possibility that they might abscond from justice which would eventually cause delay in conclusion of the investigation as well as delay in filing of the charge sheet. 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. In such view of the matter, it is submitted that the prayer for bail of the Petitioners be rejected at this juncture.

6. Having regard to the submissions made by the learned

counsels appearing for the respective parties and on a careful examination of the materials on record and also taking into consideration the quantity of contraband Ganja, the bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case, this Court is inclined to release the Petitioners on bail.

7. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.35,000/-(Rupees thirty five thousand) each 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 Petitioners shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter.

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 criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 27-Oct-2026 18:50:03