IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11816 of 2026
CNR No. ODHC010847052026

1) Sumati Pala ***.....*** ***Petitioners***
2) Raula Maharana

Represented by Adv. – Mr. Santosh Kumar Mahanty

-versus-

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

Represented by Adv. –

Mr. Amitabh Pradhan, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
20.11.2026

Order No.

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

2. Heard learned counsel for the Petitioners and learned 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 BNSS, 2023 has been filed by the Petitioners for regular bail in connection with Spl. 2(a)CC No.30 of 2026, arising out of Nayagarh Excise Station P.R. No.154/2026-27, pending in the court of learned Sessions Judge-cum-Special Judge, Nayagarh,

for alleged commission of offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 01.10.2026. He further submitted that, as per prosecution report, a total quantity of 15 Kgs of contraband Ganja was recovered from the possession of the present 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 Petitioners' case. He further submitted that, in the meantime, the investigation has been progressed substantially, though the charge sheet has not been filed. It is also contended that the Petitioners do not have any criminal antecedent. Learned counsel for the Petitioners further contended that the Petitioners belong to the locality, therefore, there is no chance of their absconding. On such grounds, learned counsel for the Petitioners contended that the Petitioners be released on bail on any terms and conditions as deemed just and proper by this Court.

5. Learned Additional Standing Counsel 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. It was further contended that in the event the Petitioners are released on bail, there is every possibility that he 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. On such grounds, learned counsel for the State prayed for rejection of the bail application of the Petitioners.

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 Petitioners' 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) 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. Violation of any of the condition shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioners shall be subject to the condition that the court below shall verify whether the Petitioners have 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.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 20-Nov-2026 17:39:49