IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11788 of 2026
CNR No. ODHC010859892026

Prakash @ Bapi Behera **.....** ***Petitioner***

Represented by Adv. –
Mr. Kuldeep Mohanty

-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 appearing for the Petitioner 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 Petitioner for regular bail in connection with C.T. (NDPS) Case No.38 of 2026, arising out of Angul P.S Case No.595 of 2026, pending in the court of learned Special Judge, Angul for alleged commission of offence punishable under Sections 21(b)/29 of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner

that the Petitioner is in custody since 22.07.2026. He further contended that in the meantime, the investigation has been concluded and the final charge sheet has been filed. Learned counsel for the Petitioner further submitted that the although Petitioner is having two similar criminal antecedents, however, he is ready and willing to abide by any stringent terms and conditions that would be imposed by this Court in the event he is released on bail. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding.

5. Further referring to the allegations made in the F.I.R., learned counsel for the Petitioner contended that, as per the prosecution case, a total quantity of 5.950 grams of contraband brown sugar was recovered from the possession of four persons, including the present Petitioner. Learned counsel for the Petitioner seriously disputed the alleged recovery of the contraband article from the exclusive and conscious possession of the present Petitioner. He further submitted that, having regard to the quantity of the contraband article seized, which is below the commercial quantity, the bar under Section 37 of the NDPS Act would not be attracted to the facts of the Petitioner's case. On the aforesaid grounds, learned counsel for the Petitioner prayed that the Petitioner be enlarged on bail on such stringent terms and conditions as this Court may deem fit and proper.

6. Learned Additional Standing Counsel appearing for the

State-Opposite Party, on the other hand, opposed the release of the Petitioner on bail on the ground that in the event the Petitioner is released on bail, there is a possibility that he might be involved in similar criminal offences. Learned Additional Standing Counsel further submitted that considering the nature of allegation and the contraband article used in the present case, the release of the Petitioner would be a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

7. Having heard the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case and further keeping the view the period of detention of the Petitioner in jail custody and the fact that charge sheet has already been filed, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

8. 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. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. While imposing conditions, learned court below shall also impose a condition that the Petitioner shall appear before the jurisdictional 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 condition imposed either by this Court or the court in seisin over the matter shall entail cancellation of the bail application.

9. It is further directed that the bail granted to the Petitioner shall be subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent of similar nature. In the event it is found that the Petitioner is having more than two similar criminal antecedents, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
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Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 20-Nov-2026 17:39:48