IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11871 of 2026
CNR No. ODHC010868062026

Rahul Nayak **.....** ***Petitioner***

Represented by Adv. - Bijay Kumar Behera

-versus-

State Of Odisha **.....** ***Opposite Party***

Represented by Adv. – M.R. Patra, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No.

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

2. Heard learned counsel appearing for the Petitioner 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 B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with T.R. Case No.254 of 2026, arising out of Nayapalli P.S. Case No.242 of 2026, pending in the court of learned 3rd Additional Sessions Judge, Bhubaneswar, for alleged commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 17.04.2026. He further submitted that in the meantime investigation has been concluded and charge sheet has been filed. Further, referring to the

allegation made in the prosecution report, learned counsel for the Petitioner submitted that a total quantity of 22.980 Kgs. of contraband Ganja was recovered from the five persons including the present Petitioner. Learned counsel for the Petitioner, at this juncture, seriously disputed the recovery of the contraband Ganja from the exclusive and conscious possession of the present Petitioner. He further contended that taking into consideration the aforesaid fact, the bar under Section 37 of the N.D.P.S. Act would be attracted to the facts of the Petitioner's case. He further submitted that the Petitioner belongs to the locality, therefore, there is no chance of his absconding, and that he does not have any similar criminal antecedent. On such grounds, learned counsel for the Petitioner contended that the Petitioner be enlarged on bail on any terms and conditions as would be deemed just and proper by this Court.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. He further contended that in the event the Petitioner is released on bail, there is every possibility that he might abscond from justice which would eventually cause delay in conclusion of the trial. 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, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of

the surrounding facts and circumstances of the present case, further taking note of the fact that the Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees forty 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 Petitioner 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 terms and conditions shall entail cancellation of bail.

8. It is further directed that the bail granted to the Petitioner is 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 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.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 15:05:57