IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11981 of 2026
CNR No. ODHC010873572026

Basanta Rana **.....** ***Petitioner***

Represented by Adv. –
Mr. Amitav Tripathy

-versus-

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

Represented by Adv. –

Mr. Manas Ranajn Patra,
ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
12.11.2026

Order No.

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

2. Heard learned counsel 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 BNSS, 2023 has been filed by the Petitioner for regular bail in connection with 2(a)CC Case No.35 of 2026, arising out of P.R. No.118 of 2026-27 of OIC of Excise Station, Kantamal P.R. No.118 of 2026-27, pending in the court of learned Additional Sessions Judge-cum-Special Judge,

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

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been languishing in jail custody since 24.10.2026. He further submitted that as per prosecution report, a total quantity of 5 Kgs of contraband Ganja was recovered from the Petitioner. 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 Petitioner's case. He further submitted that in the meantime investigation has progressed substantially. It is also contended that the Petitioner does not have any similar criminal antecedent. Learned counsel for the Petitioner further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. On such grounds, learned counsel for the Petitioner contended that the Petitioner 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 Petitioner on bail on the ground that allegation made against the Petitioner is serious in nature. He further contended that the investigation is still on. It was 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 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, it is submitted that the prayer for bail of the Petitioner 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 Petitioner's case, 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.30,000/-(Rupees thirty 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 condition shall entail cancellation of bail.

8. 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 has 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.

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 13-Nov-2026 17:36:30