IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11988 of 2026
CNR No. ODHC010873722026

Tirupati Pradhan ..... ***Petitioner***

Represented by Adv. –
Mr. Prashanta Kumar Nayak

-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 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 BNSS, 2023 has been filed by the Petitioner for regular bail in connection with 2(a) CC Case No.12 of 2026, arising out of Excise Range, Kantabanji P.R. Case No.58 of 2026-2027, pending in the court of learned Special Judge-cum-Additional Sessions Judge, Kantabanji, for alleged commission of offence punishable under Section 20(b)(ii)(B) of N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been languishing in jail custody since

31.10.2026. He further submitted that as per prosecution report, a total quantity of 7 Kgs of contraband Ganja was recovered from the possession of 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 Petitoiner's case. He further submitted that although investigation has progressed substantially in the meantime, the charge sheet has not yet been filed. He further contended that since the Petitioner belongs to the locality, there is no chance of his absconding. It is also contended that although the Petitioner is having one similar criminal antecedent, 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. On such ground, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions as would be deemed just and proper by this Court.

5. Learned Additional Government Advocate 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. 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 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 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 present 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.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 the following conditions:-

I. He shall not indulge in similar criminal activities while on bail;

II. He shall appear before the local police station once in a fortnight, preferably on ‘Sunday’ in between 10.00 A.M. to 1.00 P.M. for a period three months; and

III. He shall furnish a cash security of Rs.2,000/-

(Rupees two thousand) before the court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank for a period of one year which shall be renewed from time to time till disposal of the case. The said deposit shall be subject to the final outcome of the trial.

8. It is open for the court in seisin over the matter to impose any other conditions as it may be deemed just and proper. Violation of any of the conditions imposed either by this court or the court in seisin over the matter shall entail cancellation of the bail.

9. 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 more than one criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

10. 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: 16-Nov-2026 10:21:09