IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12258 of 2026
CNR No. ODHC010885742026

1) Rabi Gautam	***.....***	***Petitioners***
2) Umashankar Thakur		Represented by Adv. - Suryakanta Dwibedi

-versus-

State Of Odisha	***.....***	***Opposite Party***
		Represented by Adv. – M.K. Mohanty, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
25.11.2026

Order No.

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

2. Heard learned counsel appearing for the Petitioners 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 Petitioners for regular bail in connection with 2(a)C.C Case No.56 of 2026, arising out of P.R Case No.131 of 2026-27, pending in the Court of learned Special Judge-cum-Additional District and Sessions Judge, Balliguda for alleged commission of offence punishable under Sections 20(b)(ii)B of the N.D.P.S. Act.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 28.09.2026. He further submitted that the investigation has progressed substantially and

the charge sheet is likely to be filed very soon. He further contended that as per the F.I.R. allegation the quantity of ganja seized, i.e., 19 kgs., was recovered from two Petitioners. He further submitted that the quantity being less than the commercial quantity, therefore, the bar under Section 37 of the N.D.P.S Act would not be attracted. He further contended that the recovery of the contraband articles from the exclusive and conscious possession of the Petitioners is being seriously disputed by the Petitioners. He further submitted that. He further submitted that the Petitioners do not have any similar criminal antecedents. Further contends that the Petitioners do not belong to State of Odisha, therefore, the Petitioners are ready and willing shall abide by any terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned Additional Standing Counsel, on the other hand, opposed the bail application of the Petitioners on the ground that such cases are increasing day-by-day and no leniency should be shown to the petitioners. She further submitted that the Petitioners belong to State of Chhattisgarh, therefore, release of the Petitioners be difficult to ensure the appearance of the Petitioners before the Trial Court during trial. Further contends that the Investigation is still on. In such view of the matter, he submitted that the bail application of the Petitioners be rejected at this juncture.

6. 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, further keeping the view the period of detention of the Petitioners in jail custody and the fact that the Petitioners do not have any similar criminal

antecedent, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

7. Hence, it is directed that each of the Petitioners 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 learned court in seisin over the matter subject to the following terms and conditions:

I) The Petitioners shall also file an affidavit before the Trial Court with regard to indicating their residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioners shall be subject to verification of such details as would be furnished by any relative of the Petitioners in the shape of an affidavit.

II) they shall not be involved in any offence of similar nature while on bail;

III) they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;

IV) they shall not make any default in attending the court during trial on each date without fail;

V) they shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of the trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

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

criminal antecedent of the Petitioners. In the event the Petitioners are having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

9. BLAPL is accordingly disposed of.

10. 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: 26-Nov-2026 15:25:48