IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12355 of 2026
CNR No. ODHC010895952026

Somanath Behera **.....** ***Petitioner***

Represented by Adv.
- Amitav Tripathy

-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 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 Special 2(a) CC No.32 of 2026, arising out of P.R. No.270/2026-27 of District Mobile Squad, Nayagarh, pending in the Court of learned Sessions Judge-cum-Special Judge, Nayagarh 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 Petitioner that the Petitioner is in custody since 28.10.2026. He further contended that as per the F.I.R.

allegation the quantity of ganja seized, i.e., 16 kgs, which was recovered from the possession of the Petitioner. He further contended that the recovery of the contraband articles from the exclusive and conscious possession of the Petitioner is being seriously disputed by the Petitioner. On such ground, learned counsel for the Petitioner contended that the bar under Section 37 of the N.D.P.S. Act is not attracted to the facts of the present case. He further submitted that the Petitioner does not have any similar criminal antecedents. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition that would be imposed by this Court while the Petitioner release on bail.

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 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 submitted that nature of allegation and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioner 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 and further keeping the view the period of detention of the Petitioner in jail custody and the fact that the Petitioner does not have any similar criminal antecedent, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

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 solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

9. It is further directed that the bail granted to the Petitioner shall be subject to the verification of the criminal antecedent of the Petitioner. In the event it is found that the Petitioner is having any similar criminal antecedent under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

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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