IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12407 of 2026
CNR No. ODHC010898602026

Bahan Digal ..... ***Petitioner***

Represented by Adv. - Suryakanta Dwibedi

-versus-

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

Represented by Adv. -Mr. M.K.Mohanty, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **20.11.2026**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical 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 2(a) CC Case No.31 of 2026 (N), arising out of P.R. No.139 of 2026-27, pending in the Court of learned Special Judge-Cum-Additional Sessions Judge, Aska 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, in the meantime, the investigation has progressed substantially and

the charge sheet has not yet been filed. It is also contended by the learned counsel for the Petitioner that keeping in view the quantity of ganja seized, i.e., 05 kg, which is less than the commercial quantity, a bar under Section 37 of the N.D.P.S. Act is not attracted. Learned counsel for the Petitioner further contended that the Petitioner has one similar criminal antecedents and that he belongs to the locality, therefore there is no chance of his absconding. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition which the Petitioner undertakes to abide by while 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 considering the nature of allegation and the contraband used in the present case, the release of the petitioner would be 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 is having one 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 local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. 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 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 more than one similar criminal antecedent, this bail order shall automatically stand revoked.

9. It is further directed that the bail granted to the Petitioner is subject to depositing a cash security of Rs.2,000/- (Rupees Two Thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

Rubi

Signature Not Verified
Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 20-Nov-2026 18:14:43