



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.368 of 2026

Ajay Kumar Choudhary ... ***Petitioner***

Mr. A. Tripathy, Advocate

-versus-

State of Orissa ... ***Opposite Party***

Mr. R.B. Mishra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL)

26.02.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Sub-Inspector of Excise, EI & EB Unit-II (ND) Sambalpur PR No.685 of 2025-26 corresponding to TR Case No.137 of 2025 pending in the Court of learned Sessions Judge-cum-Judge (Special Court), Sambalpur, for commission of offence punishable U/S.20(b)(ii)(C) of the NDPS Act, on the main allegation of transporting 21Kgs of Contraband Ganja in a black colour Hero HF Deluxe Motorcycle bearing Regd. No.CG-15-EE-1257.
3. Heard, Mr. Amitav Tripathy, learned counsel for the petitioner and Mr. R.B. Mishra, learned Additional Public Prosecutor in the matter and perused the record. On being queried about the criminal antecedent of the petitioner, Mr. Tripathy volunteers to withhold bail to the petitioner, if he is found to have any criminal antecedents of similar nature for commission of offence under NDPS Act.
4. Admittedly, the petitioner is in custody since 14.10.2025, but in the meantime, PR has already been submitted, however, the trial is yet to commence and there



is unlikelihood of commencement of trial in near future. In the peculiar facts and circumstances, especially when no criminal antecedent of similar nature has been reported against the petitioner, the petitioner would be considered to have satisfied the conditions of Section 37 of NDPS, if he is not having any criminal antecedent of similar nature for commission of offences under NDPS Act.

5. For the reason stated hereinabove and regard being had to the pre trial detention of the petitioner in custody, this Court without expressing any view on merit admits the petitioner to bail, but subject to verification of criminal antecedent of similar nature for commission of offence under the NDPS Act.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

In view of the specific submission as advanced for the petitioner, the benefit of this order shall not be extended to the concerned petitioner, if he is found to have any criminal antecedent of similar nature for commission of offences under NDPS Act.

7. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge