



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1814 of 2026

CNR No. ODHC010125082026

Rajesh Kacher & another

...

Petitioners

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. M.R. Patra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

Order No.

ORDER(ORAL): 03.08.2026

05.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Jeypore Sadar P.S. Case No. 186 of 2023 corresponding to T.R. Case No. 66 of 2023 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Jeypore, Koraput, for commission of offences punishable U/S. 20(b)(ii)(C)/29 of NDPS Act, on the main allegation of transporting 220Kgs of Contraband Ganja in a Creta Car bearing Regd. No. CG14-Y-9571.

2. Heard, Mr. Suchit Kumar Nayak, learned counsel for the petitioners and Mr. M.R. Patra, learned Addl. PP in the matter and perused the record. On being queried about the criminal antecedents of the petitioners, Mr. Nayak volunteers to withhold bail to the petitioners, if they are found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.

3. After having considered the rival submissions upon perusal of record, it appears that the petitioners



were taken into custody on 24.06.2023, but in the meantime, three years have already elapsed, however, the trial is yet to be concluded. Right to speedy trial is definitely the fundamental right of an accused, however, there is no immediate prospect of continuation of trial, since the post of Presiding Officer of the learned trial Court is lying vacant. Further, it is claimed that the petitioners are not having any criminal antecedents of similar nature. In such view of the matter and taking into account the materials placed on record keeping in view the claim of the petitioners for not having any criminal antecedents and regard being had to the stage of trial, the petitioners would be considered to have satisfied the conditions of Section 37 of NDPS Act, if they are not having any criminal antecedent of similar nature for commission of offence under NDPS Act involving commercial quantity.

4. For the reasons stated hereinabove and taking into account the custodial period of the petitioners this Court without expressing any view on merit, admits each of the petitioners to bail, but subject to verification of their criminal antecedents for similar nature for commission of offence under NDPS Act involving commercial quantity.

5. Hence, the bail application of the petitioners stands allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/-



(Rupees One Lakh) each with two solvent sureties 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 with following condition:-

*(i) the petitioners in the course of trial shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with and shall cooperate the Court during the trial. **In case the Petitioners fail without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioners for offence U/S.269 of BNS, 2023 in accordance with law.***

In view of the specific submission advanced for the petitioners, the benefit of the aforesaid order shall not be extended to the concerned petitioner(s), if he/they is/are found to have criminal antecedent(s) of similar nature for commission of offence under NDPS Act.

6. Accordingly, these BLAPs stand disposed of. Issue urgent certified copy of the order as per Rules. 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