



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3256 of 2026

Siv Shankar Nayak @ ***Petitioner(s)***
Siv Sankar Nayak

Mr. Santosh Kumar Mahanty, Advocate

-versus-

State of Odisha ***Opposite Party(s)***

Ms. Suvalaxmi Devi, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

Order
No.

ORDER
04.05.2026

01.

1. Heard.

2. The petitioner is an accused in connection with Inspector of Excise Purusottampur P.R. Case No.94/2025-26 corresponding to 2(a) C.C. Case No.02 of 2026 (N) registered on the allegation of the commission of the offence under Section 20(b)(ii)(C) in contravention of Section 8 of the NDPS Act pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Kodala, Ganjam.

3. The petitioner had approached the learned Court below praying for grant of bail. The learned Court



below vide its order dated 13.01.2026 has rejected the bail application of the petitioner. Being aggrieved, the petitioner has filed the present petition under Section 483 of B.N.S.S., 2023 praying for enlargement on bail.

4. Learned counsel for the petitioner, on instruction from the petitioner, submits that, except the present bail application, no other bail application of the petitioner is pending in any other Court relating to the aforesaid F.I.R.

5. On 09.01.2026 at about 7:00 A.M., the informant, being the Inspector of Excise, Purushottampur, along with his staff, was on patrolling duty in the areas under Kabisuryanagar P.S., including Budhamba and its adjoining localities. During such patrolling, they noticed a car coming at a high speed from the Polasara side towards Budhamba. By suspicion, the said vehicle bearing Registration No. OR02W4407 was intercepted and searched. In the presence of independent witnesses, 26 Kgs. 300 grams of contraband ganja were recovered from the



possession of the accused persons and duly seized. Hence, this P.R. was instituted.

6. Learned counsel for the petitioner submits that 26 Kgs. 300 grams of contraband ganja were allegedly recovered from the present petitioner. He further submits that the petitioner has one criminal antecedent, which is not of a similar nature to the present NDPS case. The petitioner is in custody since 09.01.2026.

7. Ms. Suvalaxmi Devi, learned Additional Standing Counsel for the State submits that 26 Kgs. 300 grams of contraband ganja was seized from the possession of the petitioner, which is more than the commercial quantity, therefore, barred under Section 37 of the N.D.P.S. Act. Hence, she opposes the prayer for bail.

8. Regard being had to the period of custody from 09.01.2026, the nature of accusation and the quantity of contraband seized, I am inclined to admit the petitioner on bail.



Hence, the petitioner is directed to be released on bail by the Court in seisin over the matter in the aforesaid case on such terms and conditions as it would deem just and proper, subject to the following additional conditions:-

- (i) The petitioner shall report before the concerned Police Station being physically present once a month on last Sunday of every month for four months.
- (ii) He shall not leave the jurisdiction of the trial Court till disposal of the trial.
- (iii) He shall appear before the trial Court on each date on which the case is posted for trial.
- (iv) He shall not tamper with the evidence in any manner whatsoever.
- (v) He shall be released on bail subject to verification of similar type of antecedents, if any.

Violation of any of the conditions shall entail consideration for cancellation of the bail granted to the petitioner. In the event, any of the bail conditions are violated by the petitioner, the prosecution is given liberty



to move appropriate application before the Court below for recalling the concession of bail. If such application is moved, the trial Court should decide the application on its own merit.

9. The BLAPL is accordingly disposed of.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified

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Signed by: SWARNAPRAVA DASH
Reason: Authentication
Location: High Court of Orissa
Date: 05-May-2026 11:20:08

