



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3427 of 2026

Bishal Saha

....

Petitioner(s)

Mr. Sachidananda Padhee, Adv.

-versus-

State of Odisha

....

Opposite Party(s)

Mr. Raj Bhusan Dash, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

05.05.2026

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
364	21.11. 2025	Sambalpur Sadar	T.R. Case No.162 of 2025, Sessions Judge-cum-Special Judge (Special Court), Sambalpur	20(b)(ii)(C)/ 29 of the NDPS Act

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Location: HIGH COURT OF
ORISSA, CUTTACK
Date: 07-May-2026 18:00:01

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioner, being in custody in connection with Sambalpur Sadar P.S. Case No.364 dated 21.11.2025, corresponding to T.R. Case No.162 of 2025, pending in the



Court of learned Sessions Judge-cum-Special Judge (Special Court), Sambalpur, registered for the alleged commission of offences under Sections 20(b)(ii)(C)/29 of the NDPS Act, has filed this petition for his release on bail.

4. The case of the prosecution, in brief, is that the complainant received information from a reliable source regarding the illegal transportation of contraband articles. On 21.11.2025, he along with his team rushed to the spot and noticed one white-coloured Tata Ace vehicle without any registration number coming from Sindurpank. Seeing the police party, the driver of the said vehicle attempted to flee from the spot. However, the police party managed to detain the offending vehicle. On being questioned, the persons present in the vehicle disclosed their names and identities as Banamali Bag, Ajit Kumar Behera and Ashok Chandra Pradhan. During search of the vehicle, the police team found two plastic gunny bags loaded with ganja. On weighing, one gunny bag was found to contain 26 kg 350 grams and the second gunny bag contained 24 kg 200 grams, totalling 50 kg 550 grams. Thereafter, the police personnel prepared a seizure list, collected samples for chemical examination, and arrested all three accused persons from the spot.

5. Learned counsel for the Petitioner submits that the Petitioner has been in judicial custody since 07.02.2026. It is contended that the mandatory provisions of the NDPS Act,



particularly those relating to search and seizure, have not been complied with. It is further submitted that no contraband was recovered from the exclusive possession of the Petitioner and his implication is solely based on the disclosure statement of co-accused, which is not admissible in law without independent corroboration. It is also submitted that the Petitioner has no criminal antecedents and that the investigation is substantially complete.

6. Learned counsel for the State opposes the prayer for bail submitting that the alleged recovery is of commercial quantity and therefore the rigours of Section 37 of the NDPS Act are attracted.

7. This Court has considered the rival submissions and perused the material placed on record. Undisputedly, the contraband was recovered from a vehicle in which the Petitioner was one of the occupants. However, at this stage, there is nothing to indicate that the contraband was recovered from the exclusive and conscious possession of the Petitioner. The prosecution case, as it stands, is primarily based on the alleged disclosure statement of co-accused, which by itself is not substantive evidence against the Petitioner in absence of independent corroboration.

8. It is settled law that while considering bail under Section 37 of the NDPS Act, the Court is required to record satisfaction that there are reasonable grounds for believing



that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. In the present case, keeping in view the role attributed to the Petitioner, the absence of recovery from his exclusive possession and the stage of investigation, this Court is of the opinion that the stringent conditions of Section 37 of the NDPS Act stand satisfied in favour of the Petitioner.

9. The Petitioner is in custody since 07.02.2026 and the investigation appears to have substantially progressed. Continued pre-trial detention would not serve any further useful purpose.

10. Accordingly, the bail application is allowed.

11. Let the Petitioner be released on bail in the aforesaid case to the satisfaction of the learned Court in *seisin* of the case, including the following conditions:

- (i) The Petitioner shall not tamper with evidence or influence witnesses in any manner;
- (ii) The Petitioner shall appear before the trial Court on each date of hearing unless exempted;
- (iii) The Petitioner shall not leave the jurisdiction of the trial Court without prior permission;
- (iv) The Petitioner shall report to the concerned police station once every month until further orders.



12. Violation of any condition shall entail cancellation of bail.

13. The BLAPL is, accordingly, disposed of.

14. Issue urgent certified copy of this Order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge