



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3422 of 2026

Duhshasan Seth

....

Petitioner(s)

Mr. Trilochan Nanda, 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. /PR No.	Dated	Police/ Excise Station	Case No. and Courts' Name	Sections
231 of 2025- 26	22.03. 2026	Balliguda Excise	2(a) CC Case No.16 of 2026, Special Judge-cum- Addl. Sessions Judge, Balliguda	20(b)(ii)(B) of the NDPS Act

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 OIC of Excise, Balliguda P.R. No.231 of 2025-26 dated 22.03.2026, corresponding to 2(a) C.C. Case No.16 of 2026, pending in the Court of learned Special Judge-cum-Addl. Sessions

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Reason: Authentication
Location: HIGH COURT OF
ORISSA, CUTTACK
Date: 06-May-2026 10:46:46



Judge, Balliguda, registered for the alleged commission of offence under Section 20(b)(ii)(B) of the NDPS Act, has filed this petition for his release on bail.

4. The case of the prosecution, in brief, is that on 22.03.2026 at about 8:30 A.M., the Balliguda Excise team, while conducting vehicle checking at Puninata Chowk, intercepted the Petitioner, who was riding a red Hero Passion Plus motorcycle. Upon search, a plastic bag found placed on the petrol tank of the motorcycle allegedly contained 16 kilograms of ganja, which was subsequently weighed and seized. It is further alleged that the Petitioner failed to produce any valid authority for possession of the said contraband, whereafter he was arrested on the spot and both the seized narcotic substance and the vehicle were taken into official custody for initiation of criminal proceedings.

5. Learned counsel for the Petitioner submits that the Petitioner has been in judicial custody since 22.03.2026. The alleged contraband was recovered from a plastic bag lying on the motorcycle and not from the conscious and exclusive possession of the Petitioner. The essential ingredient of conscious possession is absent in the present case. Investigation has already been completed and charge sheet has been submitted, hence further detention is not required. He further contends that the Petitioner has no criminal antecedents. Accordingly, prayer is made for grant of bail.



6. Learned counsel for the State opposes the prayer for bail contending that 16 kilograms of ganja was recovered from the possession of the Petitioner while he was unlawfully possessing and transporting the same and therefore, the bail application deserves to be rejected.

7. Considering the submissions of the learned counsel for the respective parties, the materials on record and the fact that no contraband has been recovered from the conscious possession of the Petitioner and further taking into account that charge sheet has already been submitted, this Court directs the Petitioner to be released on bail on such terms and conditions as deemed just and proper by the learned Court below in *seisin* of the case, including the following conditions:

- (i) The Petitioner shall furnish bail bond of such amount with two sureties of like amount to the satisfaction of the learned trial Court;
- (ii) The Petitioner shall appear before the trial Court on each date of hearing without default;
- (iii) The Petitioner shall not tamper with prosecution evidence or influence witnesses in any manner.

8. Any violation of the above conditions shall entail cancellation of bail.

9. The BLAPL is, accordingly, disposed of.



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

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun