



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3491 of 2026

Madana Digal

.....

Petitioner

Represented by Adv. -
Bibhu Prasad
Chhualsingh

-versus-

State Of Odisha

.....

Opposite Parties

Mr. S. Behera, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
05.05.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.
3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Balliguda P.S. Case No.307 of 2025, corresponding to C.T. Case No.165 of 2025, pending before the learned Special Judge-cum-Addl. District & Sessions Judge, Balliguda, for alleged commission of offence punishable under Section 20(b)(ii)(C) of N.D.P.S. Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 04.10.2025. He further submitted that in the meantime the investigation has been concluded and the final charge-sheet has been filed. Further, referring to the allegation



made in the FIR, learned counsel for the Petitioner contended that a total quantity of 48 Kgs. of contraband ganja has been recovered from the nearby forest. He further submitted that since the Petitioner was present nearby forest, he was apprehended by the police in the present case. He further contended that the contraband article was not recovered from the exclusive and conscious possession of the present Petitioner, therefore, the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the Petitioner's case. He further contended that the Petitioner belongs to the locality, therefore, there is no chance of his absconding. He further submitted that the Petitioner does not have any criminal antecedent. In such view of the matter, learned counsel for the Petitioner contended that the Petitioner is ready and willing to abide by any terms and conditions deemed fit and proper by this Court in the facts and circumstances of the case.

5. Learned counsel for the State on the other hand opposed the bail application of the Petitioner on the ground of gravity and seriousness. He further contended that taking into consideration the fact that such cases are increasing day-by-day in the State of Odisha, no leniency should be shown to the petitioner. In such view of the matter, he submitted that the bail application of the Petitioner be rejected at this juncture.

6. Having heard the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case, further keeping in view the period of detention of the Petitioner in jail custody, and the fact that the Petitioner belongs to the locality and that he does not have



any similar criminal antecedent, and the fact that the bar under Section 37 of N.D.P.S. Act would not be attracted to the facts of the Petitioner's case, this Court is inclined to release the Petitioner on bail subject to the Petitioner furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is further directed that the bail granted to the Petitioner be subject to the condition that the court below shall verify the criminal antecedent of the Petitioner. In the event the Petitioner is having any criminal antecedents, then this bail order shall automatically stand revoked.

8. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout