



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3782 of 2026

Ashwathama Nayak

..... *Petitioner(s)*

Mr. Jyotirmaya Sahoo, Adv.

-versus-

State of Odisha

..... *Opposite Party*

Ms. Sarita Moharana, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

06.05.2026

Order No.

01

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
114	17.02.2026	Excise Station, Khordha	T.R. No.37 of 2026 pending in the court of learned 1 st Addl. Sessions Judge-cum-Special Judge, under NDPS Act, Khurda	Sections 20(b)(ii)B of the NDPS Act

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1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioner being in custody in P.R. No. 114 of 2026 corresponding to T.R. No.37 of 2026 pending in the court of learned 1st Addl. Sessions Judge-cum-Special Judge, under NDPS Act, Khurda , registered for the alleged commission of offences under Section 20(b)(ii)B of the NDPS Act, has filed this petition for his release on bail.
4. The brief fact of the case is that on 17.02.2026 at about 5:30am the informant and his staff performing patrolling duty near Pubu sahi under Khordha Model PS they got information that the accused standing near Sarua Chhaka along with some contraband articles. Getting such information, they proceeded to the spot and they detained him and on search recovered 10kg of Ganja from the possession of the accused. On demand he could not produce any authority for such possession. Hence, this case.
5. Learned counsel for the Petitioner submits that the Petitioner has been falsely entangled in this case by the Excise personnel. He further contends that nothing has been seized from the conscious possession of the present Petitioner. He further contends that the alleged contraband ganja seized from the possession of the Petitioner is below commercial





quantity. He further submits that the Petitioner is in custody since 17.02.2026. Hence, he submits that, the prayer of the present Petitioner may be allowed.

6. Learned counsel for the State submits that the seized contraband ganja was recovered from the exclusive and conscious possession of the Petitioner. Hence, he vehemently opposes the prayer for bail.
7. Without going into the merit of the case and based on the facts and circumstances of the case, it is directed that the Petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in *seisin* over the matter with further conditions that:-
 - i. The Petitioner shall appear before the local Police Station on every alternate Sunday between 10.00 A.M. to 12.00 P.M. till conclusion of the trial.;
 - ii. The Petitioner shall appear before the learned court in *seisin* over the matter on each date of posting of the case;
 - iii. The Petitioner shall not indulge himself in any criminal offence while on bail.
 - iv. The Petitioner shall not tamper the evidence of the prosecution evidence in any manner.
8. Violation of any of the above conditions shall entail cancellation of the bail.



9. The BLAPL is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu

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