



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.5078 of 2026

Bhaktabandhu Majhi ... ***Petitioner***
Mr. R.C. Maharana, Advocate
-versus-
State of Odisha ... ***Opposite Party***
Mr. C. Mohanty, Addl. PP

CORAM: JUSTICE G. SATAPATHY

Order No.

ORDER(ORAL): 09.07.2026

01.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Chhendipada P.S. Case No. 56 of 2013 corresponding to Special Case No. 32 of 2013 pending in the file of learned Special Court under NDPS Act-cum-Addl. Sessions Judge, Angul, for commission of offences punishable U/S. 20(b)(ii)(C) of NDPS Act, on the main allegation of possessing 493Kgs 750Grams of Contraband Ganja in his house, along with co-accused persons.
2. Heard, Mr. Ramesh Chandra Maharana, learned counsel for the petitioner and Mr. C. Mohanty, learned Addl. PP in the matter and perused the record. On being queried about the criminal antecedents of the petitioner, Mr. Maharana volunteers to withhold bail to the petitioner, if he is found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.
3. The bail application of the petitioner was in fact opposed to by the learned State Counsel for abscondence of the petitioner, but facts remains that the petitioner



was arrested on 31.03.2024, however, the trial is yet to be concluded and only 05 out of 24 witnesses have been examined in the meantime. It is also not in dispute that out of the 05 witnesses examined, 04 have become hostile to the prosecution case and PW.1 has not testified that the present petitioner is the said accused, who had fled away from the spot at the time of raid. The prosecution case reveals that at the time of raid, the accused persons fled away from the spot. Further, it is claimed that the petitioner is not having any criminal antecedent of similar nature. In view of the aforesaid facts and circumstances and taking into account the materials so placed on record and keeping in view the mode and manner of implication of the present Petitioner, the petitioner would be considered to have satisfied the conditions of Section 37 of NDPS Act, if he is not having any criminal antecedent of similar nature for commission of offence under NDPS Act involving commercial quantity.

4. For the reasons stated hereinabove and taking into account the custody period of the petitioner and keeping in view the evidence of the witnesses so far examined together with the law laid down by the Apex Court in **Ankur Chaudhary vs. State of Madhya Pradesh; 2024 SCC OnLine SC 2730** and last but not the least, the non-conclusion of trial even after more than two years and three months custody of the petitioner, this Court without expressing any view on merit, admits the petitioner to bail, but subject to verification



of his criminal antecedents for similar nature for commission of offence under NDPS Act involving commercial quantity.

5. Hence, the bail application of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

In view of the specific submission as advanced for the petitioner, the benefit of this order shall not be extended to the petitioner, if he is found to have any criminal antecedent of similar nature for commission of offences under NDPS Act involving commercial quantity.

6. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge