



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NOs.5138 & 8633 of 2026
CNR Nos. ODHC010383982026 & ODHC010634872026

(In the matter of applications under Section 483 of
BNSS, 2023).

A.Laxmipati @ A. Lakshmi Pathi
(In BLAPL No.5138 of 2026)
K.Siba Prasad
(In BLAPL No.8633 of 2026)

... ***Petitioners***

Mr. R.L.Pattnaik, Advocate
(in both the bail applications)

-versus-

State of Orissa

... ***Opposite Party***

Mr. T.K.Acharya, Addl. PP

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:03.09.2026(ORAL)

G. Satapathy, J.

1. Since these two bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.

2. These are the bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Kalimela PS Case No.56 of 2026 corresponding to Special GR Case No.93 of 2026 pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri,



for commission of offences punishable U/Ss.20(b)(ii)(C) of NDPS Act, on the main allegation of transporting 22Kgs of Contraband Ganja on a motor cycle bearing Regd. No.AP-40-FD-8256.

3. Heard, Mr. Rajib Lochan Pattnaik, learned counsel for the petitioners in both the bail application and Mr. T.K.Acharya, learned Additional Public Prosecutor in the matter and perused the record. On being queried about the criminal antecedent of the petitioners, Mr. Pattnaik volunteers to withhold bail to the concerned petitioner(s), if he/they is/are found to have any criminal antecedent for commission of offence under NDPS Act.

4. Admittedly, the petitioners were taken into custody on 15.03.2026, but in the meantime, charge sheet has already been submitted, however, the trial is yet to commence and there are 17 charge sheeted witnesses and, therefore, the trial would take some time. In the peculiar facts and circumstance of the case and on consideration of materials placed on record



together with claim of the petitioners for not having any criminal antecedent, the petitioners would be considered to have satisfied the conditions of Section 37 of NDPS Act, if they are not having any criminal antecedent for commission of offences under NDPS Act.

5. For the reasons stated hereinabove and taking into account the custody period of the petitioners, this Court without expressing any view on merit admits each of the petitioners to bail, but subject to verification of their criminal antecedent for commission of offence under NDPS Act.

6. Hence, these two bail applications of the petitioners namely A.Laxmipati @ A.Lakshmi Pathi (In BLAPL No.5138 of 2026) and K.Siba Prasad (In BLAPL No.8633 of 2026) are allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) 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 petitioners, the benefit of this order shall not be extended to the concerned petitioner(s), if he/they is/are found to have any criminal antecedent of similar nature for commission of offences under NDPS Act.

7. Accordingly, both the BLAPLs stand disposed of. 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

*Orissa High Court, Cuttack,
Dated the 3rd day of September, 2026/Kishore*