



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9210 of 2025

Sagar Kapale @ Sagar

.....

Petitioners

Vasavraj Kapale and another

Represented By Adv. -
Biswajit Sahoo

-versus-

State Of Odisha

.....

Opposite Parties

Mr. U.R. Jena, AGA

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

22.09.2025

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners as well as learned Additional Government Advocate 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 Petitioners for regular bail relating to Nayagarh Sadar P.S. Case No.204 of, corresponding Spl. G.R. Case No.59 of 2025, pending before the learned District & Sessions Judge-cum-Special Judge, Nayagarh, for alleged commission of offence punishable under Section 20(b)(ii)(c) of the NDPS Act.
4. It is submitted by the learned counsel for the Petitioners that



the Petitioners are in custody since 09.08.2025. He further submitted that as per the prosecution allegation a total quantity of 23.510 kgs. of contraband ganja was recovered from the possession of both the Petitioners. Learned counsel for the Petitioner further submitted that although the Petitioners do not belong to the State of Odisha, however, he is ready and willing to abide by any stringent terms and conditions that to be imposed by this Court in the event they are released on bail. Learned counsel for the Petitioners further contended that the Petitioners do not have any similar criminal antecedents. He further contended that taking into consideration the fact that a total quantity of 23.510 kgs of contraband ganja was recovered from four persons, the bar under Section 37 N.D.P.S. Act would not attracted to the facts of the present case. On such ground, learned counsel for the Petitioners contended that the Petitioners be released on bail on any stringent terms and conditions as deemed just and proper by this Court.

5. Learned Additional Government Advocate on the other hand opposed the bail application of the Petitioners on the ground that the investigation is still on and that in the event the Petitioners are released on bail, the same would cause delay in conclusion of the investigation as well as the trial. He further submitted that considering the quantity of contraband articles seized, the bar under Section 37 of N.D.P.S. Act would be attracted to the fact of the present case. On the ground, learned counsel for the State contended that the bail application of the Petitioners be rejected.

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 custodial detention as well as the fact that a total quantity of 23.510 kgs of contraband ganja was recovered from four persons, and the fact that the Petitioners do not have any similar criminal antecedents, this Court is inclined to release the Petitioners on bail subject to the Petitioners are furnishing bail bond of Rs.40,000/- (Rupees Thirty Thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioners shall also be subject to the following terms and conditions:

- I) The Petitioners shall also file an affidavit before the Trial Court with regard to indicating their residential details other details like Aadhar No., Phone No. before the jurisdictional police station & further release of the Petitioners shall be subject to verification of such details as would be furnished by any relative of the Petitioners in the shape of an affidavit;
- II) they shall not be involved in any offence of similar nature while on bail;
- III) they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- IV) they shall not make any default in attending the court during trial on each date without fail;
- V) they shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of the trial;



VI) they shall not leave the jurisdiction of 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 Petitioners be subject to the condition that the court below shall verify the criminal antecedent of the Petitioners. In the event the Petitioners are having any similar 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