



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12820 of 2025

Chandra Mahakul & Ors.

..... Petitioner(s)

Mr. Sachidananda Padhee, Adv.

-versus-

State of Odisha

..... Opposite Party

Mr. Sonak Mishra, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

18.12.2025

Order No.

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F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
301	6.10.2025	Manamunda	Special Case (NDPS) No.205 of 2025 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Kantamal	Sections 20(b)(ii)(C) NDPS Act.

1. This matter is taken up through hybrid arrangement.



2. Heard learned counsel for the Parties.
3. The Petitioners being in custody in Manamunda P.S. Case No. 301 of 2025 corresponding to Special Case (NDPS) No.205 of 2025 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Kantamal , registered for the alleged commission of offences under Sections 20(b)(ii)(C) NDPS Act., have filed this petition for their release on bail.
4. The prosecution case in short is as follows:

On 06.10.2025 Inspector M. Behera, Sagada out-post and his staff were performing day patrolling duty. While performing patrolling duty near village Malatigochhapada at about 12.25 P.M, they found two motorcycles bearing Registration No.OD-31L-7759(Yamaha) and OD-3 IMO-180(Apache) approached from opposite side. Seeing the police team, they stopped their vehicles. The jerry bags carried by the accused persons emit Ganja smell. They confessed that they were transporting Ganja. On being asked they failed to produce any authority for such possession and transportation of Ganja. So, after observing of all the formalities of search and seizure as enshrined in NDPS Act, they recovered and seized 23kg of Ganja excluding the weight of jerry bag. The accused persons were arrested and forwarded to the Court. Hence, this case.



5. Learned counsel for the Petitioners submits that the Petitioners had no knowledge regarding transportation of contraband ganja. He further contends that nothing has been seized from the conscious possession of the present Petitioners. He further submits that the Petitioners are in custody since 6.10.2025. Hence, he submits that, the prayer of the present Petitioners may be allowed.
6. Learned counsel for the State vehemently opposes the prayer for bail stating that the quantity of ganja seized is clearly above the commercial quantity prescribed under the Act which bars granting of bail.
7. Without delving into the intricacies of the case or the merits of the allegations, and in light of the facts and circumstances at hand, this Court is of the view that the petitioners should be granted bail by the learned court in *seisin* over the matter in the aforesaid case. However, such release shall be conditioned upon stringent terms and conditions, as the learned court deems fit and just. The conditions are as follows:-
 - i. The Petitioners shall appear before the local Police Station on 1st Monday of every month between 10 A.M. to 1.00 P.M.;
 - ii. The Petitioners shall not indulge themselves in any criminal offence while on bail.



iii. The petitioners shall not tamper with the evidence or intimidate the prosecution witnesses in any manner.

Any violation of the above conditions shall entail cancellation of bail.

8. The BLAPL is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge