



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12433 of 2025

Kishan Sindhria @ Sindria

.....

Petitioner

Represented by Adv. –
Mr. Sephalee Das

-versus-

State Of Odisha

.....

Opposite Parties

Represented by Adv. –

Smt. Sasmita Nayak,
ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

17.12.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Learned counsel for the Petitioner files a memo along with the consolidated cause title of the bail application in Court today. The same be taken on record.
3. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the bail application as well as the documents therein.
4. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with C.T. (SPL) Case No.46 of 2025, arising out



of Bargarh Town P.S Case No.373 of 2025, pending in the court of learned Sessions Judge-cum-Special Judge, Bargarh, for alleged commission of offence punishable under Sections 21(b)/29/ of the N.D.P.S. Act read with Sections 111/61(2)/3(5) of the B.N.S., 2023 on the principle allegation of possessing 1970 nos. of Wincerex and Eskuf cough syrup bottles containing 394 gram of codeine phosphate and Triprolidine hydrochloride.

5. Learned counsel for the Petitioner submitted that earlier this matter was not before any of the bench of this Court. It is further submitted by the learned counsel for the Petitioner that the Petitioner is languishing custody since 20.09.2025. He further submitted that the Petitioner was not arrested from the spot and some of the co-accused persons, who were arrested from the spot, have been enlarged on bail vide order dated 16.10.2025 passed by a coordinate Bench of this Court in BLAPL No.8068 of 2025, BLAPL No.8391 of 2025, and BLAPL No.10582 of 2025. So far the present Petitioner is concerned, it is stated by the learned counsel for the Petitioner that earlier the Petitioner approached this Court by filing an anticipatory bail application, which was allowed vide order dated 10.09.2025 and the Petitioner was directed to surrender and go on bail. However, the same was subject to verification of the criminal antecedent. Later, at the time of surrender, it was found that the Petitioner is having one similar criminal antecedent. Therefore, he was taken into custody and not enlarged on bail by the trial court. Being aggrieved by such



order rejecting the prayer of the Petitioner for bail by the trial court vide order dated 27.10.2025 under Annexure-5, the Petitioner has again approached this Court by filing this bail application under Section 483 of B.N.S.S., 2023.

6. Learned counsel for the Petitioner, at this juncture, contended that in the meantime investigation has been concluded and final charge sheet has been filed. He further submitted that other co-accused persons have been released on bail. However, the Petitioner is languishing in custody for more than three months. Learned counsel for the Petitioner further undertakes that the Petitioner is ready and willing to abide by any terms and conditions in the event he is released on bail.

7. Learned counsel for the State, on the other hand, objected to the release of the Petitioner on bail on the ground that the Petitioner is a habitual offender. She further submitted that the bail application of the Petitioner has been rejected by the trial court as it was found that the Petitioner is having one criminal antecedent. In course of her argument, learned counsel for the State expressed her apprehension that in the event the Petitioner is released on bail, there is every likelihood that he might indulge in similar criminal offences. On such ground, learned counsel for the State prayed that the prayer for bail of the Petitioner be rejected at this juncture.

8. Having regard to the submissions made by the learned counsel for the parties, on a careful examination of the surrounding facts and circumstances of the present case, as well



as the fact that some of the co-accused persons have already been released on bail and the Petitioner is languishing in custody since 20.09.2025, further taking into consideration the fact that bar under Section 37 of the N.D.P.S. Act would not be attracted to the facts of the present case, this Court is inclined to release the Petitioner on bail.

9. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the court in seisin over the matter. The release of the Petitioner shall also be the following terms and conditions:-

- I. he shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial;
- IV. he shall appear before the concerned Police Station once in a month, preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M., till conclusion of trial; and
- V. he 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.

10. Further, the release of the Petitioner shall also be subject to furnishing a cash security of Rs.5,000/- (Rupees five thousand) before the court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank initially for a period of one year which shall be renewed from time to time till conclusion of the case. The said deposit shall be subject to the final outcome of the trial.

11. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent of similar nature. In the event it is found that the Petitioner is having more than one criminal antecedent of similar nature, then this bail order shall automatically stand revoked.

12. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge