



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12474 of 2025

1) Santosh Nayak

.....

Petitioners

2) Dillip @ Dilipa Bagha

Represented by Adv. -
Amit Kumar Patra

-versus-

State Of Odisha

.....

Opposite Party

Represented by Adv. –
S.K. Parhi, A.S.C.

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. Heard learned counsel appearing for the Petitioners and learned Additional Standing Counsel appearing for the State- Opposite Party. Perused the materials placed before this Court.
3. The present bail application under Section 483 of B.N.S.S has been filed by the Petitioners for regular bail in connection with 2(a)C.C Case No.51 of 2025, arising out of P.R No.113/2025-26, pending in the Court of learned Special Judge-cum-Addl. District and Sessions Judge, Balliguda, Kandhamal for alleged commission of offence punishable under Sections 20(b)(ii)C of the N.D.P.S Act.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 20.09.2025. He further submitted that as per the allegation made in the PR, a total quantity



of 44 kg of contraband ganja was recovered from two persons while they were travelling in a car. It was also contended that the aforesaid ganja was kept in two bags with two different persons. Learned counsel for the Petitioners further submitted that taking into consideration the quantity of ganja that was recovered, which is disputed by the Petitioner at this stage it is questionable as to whether the bar under Section 37 of the N.D.P.S Act would be attracted to the facts of the present case or not. He further submitted that the Petitioners belong to the locality, therefore, there is no chance of absconding and that the Petitioners do not have any similar criminal antecedents. It was also contended that the present case arises out of an excise P.R Case. In such view of the matter, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and condition that would be imposed by this Court.

5. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the release of the Petitioners on bail on the ground that in the event the Petitioners are released on bail, there is a possibility that they might be involved in similar criminal offences. Learned Additional Standing Counsel submitted that nature of allegation is serious and the contraband used in the present case is itself a threat to the society. Therefore, he submitted that the prayer for bail of the Petitioners be rejected at this juncture.

6. Having heard the learned counsels appearing for the respective parties and on a careful analysis of the surrounding facts and circumstances of the present case as well as the fact that 44 kgs of contraband ganja was recovered from two persons and that the



Petitioners are in custody since 20.09.2025 and the fact that the investigation is at an advanced stage and that charge sheet is likely to be filed very soon and further considering the fact that the Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.35,000/-(Rupees Thirty five thousand) each with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

9. It is further directed that the bail granted to the Petitioners is subject to the condition that the court below shall verify whether the Petitioners are having any criminal antecedent of similar nature. In the event it is found that the Petitioners are having any similar criminal antecedents under the offences of NDPS Act, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge