IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.8131 of 2026
CNR NO. ODHC010590772026

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

Upendra Bhoi … ***Petitioner***

-versus-

State of Orissa … ***Opposite Party***

For Petitioner : ***Mr. R.R. Ray, Advocate***

For Opposite Party : ***Mr. M.R. Patra, Addl. PP***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:11.09.2026(ORAL)

G. Satapathy, J.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with SI of Excise, District Mobile Unit, Khordha PR No.408 of 2025-26 corresponding to TR Case No.09 of 2026 pending in the file of learned 1st Additional Sessions Judge-cum-Special Judge under NDPS Act, Khordha, for commission of offences punishable U/S.21(b) of NDPS Act, on the main allegation of possessing 115Grams of Brown Sugar.

2. Heard, Mr. Rohit Ranjan Ray, learned counsel appearing virtually for the petitioner and Mr. M.R. Patra, learned Additional Public Prosecutor in the matter and perused the record. On being queried about the criminal antecedent of the petitioner, Mr. Ray volunteers to withhold bail to the petitioner, if he is found to have any criminal antecedent for commission of offence under NDPS Act.

3. Admittedly, the petitioner was taken into custody on 14.01.2026, but in the meantime, after submission of charge-sheet, cognizance albeit has already been taken for the offence, but the case is dragging on the file of the learned trial Court awaiting execution of NBWA against co-accused and in fact the case has suffered 9 adjournments till 07.07.2026 for awaiting execution of NBWA against co-accused. What is important is that the accused has got right to speedy trial and his right cannot be withheld for an indefinite period for execution of NBWA against co-accused. In the aforesaid circumstance and on

consideration of materials placed on record together with the claim of the petitioner for not having any criminal antecedent of similar nature and lastly, no material being collected to suggest that the petitioner would abscond or pose threat to the witnesses, if released on bail, this Court without expressing any view on merit admits the petitioner to bail, but subject to verification of his criminal antecedent for commission of offence under NDPS Act.

4. Hence, the bail application of the petitioner stands allowed and the petitioner 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 **except cash surety** as deem fit and proper by it.

In view of the specific submission as advanced for the petitioner, the benefit of this order shall not be extended to the petitioner, if he is found

to have any criminal antecedent for commission of offences under NDPS Act.

5. Accordingly, the BLAPL stands 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 11th day of September, 2026/Subhasmita

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 11-Sep-2026 17:57:39