

(2026) 08 OHC CK 1605
In the Orissa High Court, Cuttack Bench
Case No : BLAPL NOs.3902 & 4062 of 2026

Sarat Chandra Tandi & Anr.

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

BNSS, 2023 — Section 483, U/S.483
NDPS Act-U/S.20(b)(ii)(C), Section 37

Citation : (2026) 08 OHC CK 1605

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : Mr. M.K. Chand, Mr. S. Dwibedi, Mr. S.C. Pradhan

Final Decision : Allowed

Judgement

G. Satapathy, J.

1. Since these two bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.

2. These are the bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Lathor PS Case No.59 of 2024 corresponding to Spl. GR Case No.8 of 2024 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Patnagarh, for commission of offences punishable U/S.20(b)(ii)(C) of NDPS Act, on the main allegation of transporting 264Kgs 570Grams of Contraband Ganja in a TATA Sumo Vehicle bearing Regd. No.OR-03-F-3623.

3. Heard, Mr. Manas Kumar Chand, learned counsel for the petitioner in BLAPL No.3902 of 2026; Mr. Suryakanta Dwibedi, learned counsel for the petitioner in BLAPL No.4062 of 2026 and Mr. S.C. Pradhan, learned Additional Public Prosecutor in the matter and perused the record. On being queried about the criminal antecedent of the petitioners, Mr. Chand and Mr. Dwibedi volunteer to withhold bail to the petitioners, if he/they is/are found to have any criminal

antecedent for commission of offence under NDPS Act.

4. Admittedly, the petitioners were taken into custody since 08.03.2024, but in the meantime, trial has commenced with examination of only 5 witnesses, out of 19 shortlisted witnesses and, therefore, the trial would definitely take some more time. It is, however, claimed that the petitioners are not having any criminal antecedent of similar nature. In the peculiar facts and circumstances of the case and taking into consideration the materials so placed on record together with claim of the petitioners for not having any criminal antecedents, the petitioners would be considered to have satisfied the conditions of Section 37 of NDPS Act, if he/they is/are not having any criminal antecedent for commission of offences under NDPS Act.

5. For the reasons stated hereinabove and taking into account the custody period of the petitioners, this Court without expressing any view on merit admits each of the petitioners to bail, but subject to verification of their criminal antecedent for commission of offence under NDPS Act.

6. Hence, these two bail applications of the petitioners namely Sarat Chandra Tandi (In BLAPL No.3902 of 2026) and Bhakta Bag (In BLAPL No.4062 of 2026) are allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following condition:-

(i) the petitioners shall co-operate the further trial.

In view of the specific submission as advanced for the petitioners, the benefit of this order shall not be extended to the concerned petitioner(s), if he/they is/are found to have any criminal antecedent of similar nature for commission of offences under NDPS Act.

7. Accordingly, these BLAPLs stand 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.