IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3922 of 2026
CNR No. ODHC010294102026

1. Aman Ahamad …. ***Petitioners***
2. Bilal Ali

Mr. B.B. Routray, Advocate

-versus-

State of Odisha …. ***Opposite Party***

Mr. C.R. Swain, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
29.10.2026

Order No.

02. 1. Heard learned counsel for the Petitioners and learned counsel for the State.

2. The Petitioners are accused in connection with C.T (Spl.) Case No.22 of 2026 pending on the file of learned District and Sessions Judge-cum-Special Judge, Bargarh, arising out of Bhatli P.S. Case No.78 of 2026 for commission of offence alleged under Sections 20(b)(ii)C of the N.D.P.S Act.

3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioners relating to the aforementioned P.S. case is pending in any other Court.

4. Being aggrieved by the rejection of their applications for bail U/s.483 of the BNSS by the learned Special Judge, Bargarh by order dated 03.04.2026 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the Petitioners that the accusation against the Petitioners is being in possession of contraband (ganja) to the tune 21.110 Kg and it is stated that since charge sheet has already been filed, further continuance of the Petitioners in custody is not warranted.

6. Learned counsel for the State opposes such prayer in view of the rigors of Section 37(1)(b)(ii) of NDPS Act.

7. Per contra, it is submitted by the learned counsel for the Petitioners that wrong weighment in the case at hand cannot be ignored so as to attract the rigors of Section 37(1)(b)(ii) of NDPS Act.

8. Learned counsel for the State submits that this is a figment of imagination of the Petitioners that ought not to weigh with this Court to dilute the provisions as contained in Section 37(1)(b)(ii) of NDPS Act.

9. It is also the submission of the learned counsel that the Petitioners are a flight risk and the

Petitioner No.2 is an accused in Section 498(A) of IPC, which is borne out from the affidavit filed.

10. Considering the rival submission, this Court directs that the Petitioners shall be released on bail on such terms to be fixed by the learned Court in seisin subject to verification of criminal antecedent.

11. If it comes to fore that the Petitioner No.2 has any other criminal antecedent other than Chakeri (Kanpur) P.S. Case No.90 of 2023, U/s-323/498(A)/406/504/506 of IPC and Sections 4/5 of D.P. Act and the Petitioner No.1 has any criminal antecedent, this order shall not be given effect to.

12. To allay the legitimate apprehension of the learned Public Prosecutor regarding ensuring the presence of the Petitioners during trial since, they do not belong to the State of Odisha, additionally, it is directed that the Petitioners shall appear before the jurisdictional police station once a month on a Sunday till conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.

13. It is further directed that one of the family member of the Petitioners shall execute P.R bond in addition to the sureties so fixed.

14. Accordingly, the BLAPL stands disposed of. U.C.C as per rules.

15. Registry is requested to send a copy of this order via electronic mode to the Superintendent of the concerned Jail, in addition to the communication through Order Communication Portal (OCP) of this Court.

(V. NARASINGH)
Judge

Soumya

Signature Not Verified
Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Reason: Authentication
Location: High Court of Orissa
Date: 30-Oct-2026 19:11:02