IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7067 of 2026
CNR No. ODHC010504942026

Mirza Sarif Beg and others **.....** ***Petitioners***

Represented by Adv. - Smruti Ranjan Rout

-versus-

State Of Odisha **.....** ***Opposite Parties***

Smt. S. Nayak, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
31.10.2026

Order No.

02. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioners as well as learned counsel for the State. Perused the application as well as documents annexed thereto.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioners for regular bail relating to Angul P.S. Case No.28 of 2026, corresponding to C.T. (N.D.P.S) Case No.03 of 2026, pending before the learned Special Court under N.D.P.S. Act-cum-Additional Sessions Judge, Angul, for alleged commission of offence punishable under Sections 21(b), 29 of N.D.P.S. Act.

4. Learned counsel for the Petitioners does not want to press this bail application in respect of Petitioner No.1 with liberty to move a fresh bail application after examination of some of the witnesses.

Accordingly, the bail application stands not pressed in respect of the Petitioner No.1 with liberty as prayed for.

5. So far the Petitioner Nos.2 & 3 are concerned, it is submitted by the learned counsel for the Petitioners that they are languishing in custody since 12.01.2026. He further contended that in the meantime the investigation has been concluded and the charge-sheet has been filed. He further submitted that although the trial has commenced, however, two witnesses have been examined so far. He further submitted that there is no likelihood that the trial be concluded in the near future. He further submitted that although the Petitioner Nos.2 & 3 are having one similar criminal antecedent, however, they are ready and willing to abide by any stringent terms and conditions.

6. Further, referring to the allegation made in the FIR, learned counsel for the Petitioners contended that a total quantity of 33 grams of brown sugar was recovered from three accused persons. He further submitted that as per the seizure list the contraband article was recovered from the possession of the Petitioner No.1, namely Mirza Sarif Beg. So far the other two Petitioners are concerned, nothing has been specifically recovered from their exclusive and conscious possession. Therefore, the bar under Section 37 of N.D.P.S. Act would not be attracted to such Petitioner Nos.2 & 3. In such view of the matter, learned counsel for the Petitioners contended that the Petitioner Nos.2 & 3 are ready and willing to abide by any terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

7. Learned counsel for the State, on the other hand, opposed the

bail application of the Petitioners. She further contended that taking into consideration the fact that such cases are increasing day-by-day in the State of Odisha, no leniency should be shown to the petitioner. In such view of the matter, she submitted that the bail application of the Petitioners be rejected at this juncture.

8. Having heard the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case, further keeping in view the period of detention of the Petitioners in jail custody, further taking note of the fact that nothing has been recovered from the exclusive and conscious possession of the Petitioner Nos.2 & 3, and the fact that the bar under Section 37 of NDPS Act would not be attracted to such Petitioner Nos.2 & 3, and the fact that some of the co-accused persons have already been enlarged on bail in the meantime, this Court is inclined to release the Petitioner Nos.2 & 3 on bail subject to the Petitioner Nos.2 & 3 furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner Nos.2 & 3 shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter.

9. The release of the Petitioner Nos.2 & 3 shall also be subject to following conditions:-

i) the Petitioner Nos.2 & 3 shall not indulge in any similar criminal offences while on bail;

ii) shall appear before the local police station once in a fortnight for a period of three months preferably on a

Sunday in between 10:00 A.M. to 1:00 P.M., thereafter, once in a months till conclusion of the trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

10. It is further directed that the bail granted to the Petitioner Nos.2 & 3 be subject to the condition that the court below shall verify the criminal antecedent of the Petitioner Nos.2 & 3. In the event the Petitioner Nos.2 & 3 are having more than one similar criminal antecedent, then this bail order shall automatically stand revoked.

11. It is further directed that the bail granted to the Petitioner Nos.2 & 3 are subject to depositing of cash security of Rs.3,000/- (Rupees Three Thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized Bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

12. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa
Date: 02-Nov-2026 14:29:01