



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.266 of 2026

Ajaz Pasha & Another ... ***Petitioners***

Mr. S.K. Padhy, Advocate

-versus-

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

Mr. R.B. Mishra, Addl. PP

CORAM: JUSTICE G. SATAPATHY
ORDER(ORAL)25.02.2026

Order No.

01.

1. This is an application U/S.483 of BNSS by the petitioners for grant of bail in connection with Rayagada Excise Station PR No. 151 of 2025-26 corresponding to T.R. Case No. 31 of 2025 pending in the file of learned Sessions Judge-cum-Special Judge, Rayagada, for commission of offences punishable U/S.20(b)(ii)(C) of NDPS Act, on the main allegation of trying to transport net weight of 20Kgs 500Grams of Contraband Ganja in a train.

2. Heard, Mr. Saroj Kumar Padhy, learned counsel for the petitioners and Mr. R.B. Mishra, learned Additional Public Prosecutor in the present matter and perused the record. On being queried about the criminal antecedents of the petitioners, Mr. Padhy volunteers to withhold bail to the petitioners, if they are found to have any criminal antecedent of similar nature for commission of offence under NDPS Act.

3. Admittedly, the petitioners are in custody since 06.09.2025, but in the meantime, PR has already been submitted, however, the trial is yet to commence and there is no immediate prospect of trial. Further, it is claimed that the petitioners are not having any criminal



antecedents of similar nature. In the peculiar facts and circumstances of the case, especially when the trial is not likely to commence in near future, the petitioners would be considered to have satisfied the conditions of Sec.37 of the NDPS Act, if they are not having any criminal antecedent of similar nature.

4. For the reasons stated hereinabove and taking into account the custody period of the petitioner and keeping in view the inherent right of an accused to be presumed innocent until proven guilty at the trial, this Court without expressing any view on merits, admits each of the petitioners to bail, but subject to verification of their criminal antecedent of similar nature for commission of offence under NDPS Act.

5. Hence, the bail application of the petitioners stands allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) each 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 deems fit and proper by it.

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

6. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. 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