



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2768 of 2026

Namita Mallik @ ***Petitioner(s)***
Namita Mallick

Mr. Lalatendu Samantray, Senior Advocate

-versus-

State of Odisha ***Opposite Party(s)***

Mr. Partha Sarathi Nayak, AGA

BLAPL No.3238 of 2026

Namita Nayak ***Petitioner(s)***

Mr. Lalatendu Samantray, Senior Advocate

-versus-

State of Odisha ***Opposite Party(s)***

Mr. Partha Sarathi Nayak, AGA

CORAM: JUSTICE SIBO SANKAR MISHRA

Order
No.

ORDER
07.05.2026

01.

1. Since both the bail applications arise out of the same F.I.R. and involve the same issues, they are taken up together and are being disposed of by this common order.

2. Heard.

3. The petitioners are the accused in connection with P.R. No.629 of 2025-26 of E.I. & E.B., Unit-I, Cuttack corresponding to T.R. Case No.104 of 2026



registered on the allegation of the commission of the offence under Section 20(b)(ii)(C) of the N.D.P.S. Act in contravention of Section 8 of the N.D.P.S. Act pending in the Court of the learned District & Sessions Judge, Khurda, Bhubaneswar.

4. The petitioners had approached the learned Court below praying for grant of bail. The learned Court below vide its order dated 10.03.2026 has rejected the bail application of the petitioners. Being aggrieved, the petitioners have filed the present petition under Section 483 of B.N.S.S., 2023 praying for enlargement on bail.

5. Learned counsel for the petitioners, on instruction from the petitioners, submits that, except the present bail application, no other bail application of the petitioners are pending in any other Court relating to the aforesaid F.I.R.

6. The prosecution story, as reflected in the F.I.R. lodged before the E.I. & E.B., P.S. Unit-I, Cuttack in P.R. Case No. 629 of 2025-26 dated 11.02.2026, is that 21 kgs of ganja was allegedly seized from the conscious possession of the petitioners near Baramunda Bus Stand.

7. Pursuant to the order dated 29.04.2026, learned counsel for the petitioners has filed a comprehensive affidavit indicating that the petitioners have no criminal antecedents. Petitioner No.1 is a lady aged about 30 years, whereas petitioner No.2 is a lady



aged about 40 years. They are in custody since 11.02.2026.

8. Mr. Nayak, learned Additional Government Advocate for the State submits that 21 kgs. of contraband ganja was seized from the possession of the petitioners, which is more than the commercial quantity, therefore, barred under Section 37 of the N.D.P.S. Act. Hence, he opposes the prayer for bail.

9. Regard being had to the period of custody from 11.02.2026, the nature of accusation and the quantity of contraband seized, I am inclined to admit the petitioners on bail.

Hence, the petitioners are directed to be released on bail by the Court in seisin over the matter in the aforesaid case on such terms and conditions as it would deem just and proper, subject to the following additional conditions:-

- (i) The petitioners shall not leave the jurisdiction of the trial Court till disposal of the trial.
- (ii) They shall appear before the trial Court on each date on which the case is posted for trial.
- (iii) They shall not tamper with the evidence in any manner whatsoever.
- (iv) They shall be released on bail subject to verification of similar type of antecedents, if any.

Violation of any of the conditions shall entail consideration for cancellation of the bail granted to the



petitioner. In the event, any of the bail conditions are violated by the petitioner, the prosecution is given liberty to move appropriate application before the Court below for recalling the concession of bail. If such application is moved, the trial Court should decide the application on its own merit.

10. The BLAPL is accordingly disposed of.

(S.S. Mishra)
Judge

Swarna