



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3793 of 2026

Ram Iqbal Ray @ Mq. **Petitioner(s)**
Ram Ekbal Ray

Mr. Arijeet Mishra, Adv.

-versus-

State of Orissa **Opposite Party(s)**
Miss Gayatri Patra, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

06.05.2026

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
0285	14.09.2022	Jeypore Sadar	T.R. Case No.58/2022 arising out of Jeypore Sadar P.S. Case No.285/2022 pending before the Court of learned Addl. Sessions Judge-cum-Special Judge, Jeypore, District-Koraput	Sections 20(b)(ii)(C) of the NDPS Act

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner being in custody in connection with T.R. Case No.58/ 2022 arising out of Jeypore Sadar P.S. Case No.285/2022 pending before the Court of learned Addl. Sessions Judge-cum-Special Judge, Jeypore, District-

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Koraput registered for the alleged commission of offences under Sections 20(b)(ii)(C) of the NDPS Act, has filed this application for his release on bail.

4. The brief fact of the case is that on 14.09.2022, during course of patrolling duty near Lamtaput area, the Police personnel on getting credible information regarding illegal transportation of contraband ganja, detained the Pick-up van bearing registration No.OD-10-K-5318 and an Innova car bearing registration No.PB-10-D-0709 on suspicion, which were coming from Lamtaput side. On search, they recovered 615 kilograms of contraband ganja from the said vehicles. Since the Petitioner was the driver of the said Pickup van, he was taken into custody upon completion of investigation and all the formalities. The Petitioner has been languishing in custody since 14.09.2022.
5. Learned counsel for the Petitioner submits that nothing has been seized from the conscious possession of the present Petitioner. He was only the driver of the said vehicle. The contraband ganja alleged to have been seized from the vehicles in question does not belong to the present Petitioner. The Petitioner is an innocent person and has been falsely implicated in this case. He, accordingly, prays for permitting the Petitioner to be released on bail.

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6. Learned counsel for the State vehemently opposes the prayer for bail of the present Petitioner. She further contends that such type of offences is not tolerable in a law abiding society. She, accordingly, prays for dismissal of this BLAPL.
7. Considering the submissions made on behalf of both the parties, this Court finds that this petition centers on a plea for bail in a case involving the alleged possession and transportation of contraband Ganja. Under the NDPS Act, offences of this nature invoke a stricter threshold for bail. The Court is required to form a reasoned belief not only that the accused may be innocent but also that the likelihood of reoffending while on bail is minimal.
8. In evaluating bail for offences involving commercial quantities under the NDPS Act, the Court must look beyond isolated facts and assess the wider operational context. Such crimes often involve coordinated efforts among multiple individuals and cannot be understood in isolation. Therefore, a comprehensive analysis of the interconnected roles and circumstances surrounding the offence is essential.
9. It is well settled that bail jurisprudence under the NDPS Act, particularly for commercial quantities, is governed by a more stringent test. In the case of *Union of India v.*

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Ajay Kumar Singh @ Pappu¹ the Supreme Court reiterated the stance that no person accused of trading commercial quantity of narcotics is liable to be released on bail unless Court is satisfied of reasonable grounds proving innocence. The relevant excerpts are produced below:

"16. In view of the above provisions, it is implicit that no person accused of an offence involving trade in commercial quantity of narcotics is liable to be released on bail unless the court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any offence while on bail.

17. The quantity of "ganja" recovered is admittedly of commercial quantity. The High Court has not recorded any finding that the respondent-accused is not prima facie guilty of the offence alleged and that he is not likely to commit the same offence when enlarged on bail rather his antecedents are indicative that he is a regular offender. In the absence of recording of such satisfaction by the court, we are of the opinion that the High Court manifestly erred in enlarging the respondent-accused on bail."

10. At the bail stage, the Court is not expected to determine the guilt of the accused. However, it must assess whether the material on record provides reasonable grounds to believe that the accused is not guilty. This includes a holistic consideration of all statements, documents, and evidence gathered during

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the investigation. Even if such material does not conclusively prove innocence, it cannot be dismissed outright, as doing so would undermine the legal standard set by Section 37 of the NDPS Act.

11. The Petitioner's involvement, whether direct or peripheral, warrants full scrutiny at trial. Granting bail at this stage would risk a premature assessment of facts, which this Court is not inclined to undertake.

12. The Court is conscious that the Petitioners have spent considerable time in custody. But in cases under the NDPS Act involving commercial quantity, bail cannot be granted only on the basis of time spent. The law requires reasonable grounds to believe the accused is not guilty and will not commit a similar offence. That test is not met in the present case.

13. Accordingly, the BLAPL is dismissed.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta

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