



IN THE HIGH COURT OF ORISSA AT CUTTACK

Bingu Khila

(In BLAPL No.6513 of 2026)

Madhab Khemudu

(In BLAPL No.6957 of 2026) ...

Petitioners

*Mr. J. Khansama, Advocate
(in BLAPL No.6513 of 2026)*

*Mr. S. Rout, Advocate
(in BLAPL No.6957 of 2026)*

-versus-

State of Odisha

... Opposite Party

Mr. T.K. Acharya, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):13.07.2026

Order No.

01.

1. These matters are taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Since these two bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.
3. These are the bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Chitrakonda PS Case No.203 of 2023 arising out of Spl. GR Case No.220 of 2023 pending in the Court of learned Additional Sessions Judge-Cum-Special Judge, Malkangiri (I/C), for commission of offences punishable U/Ss.20(b)(ii)(C)/25/27-A/29 of NDPS Act, on the main allegation of transporting 625Kgs of Contraband Ganja in a TATA INTRA V30 vehicle bearing Regd. No.AP-39-UC-2238.



4. Heard, Mr. Julu Khansama, learned counsel for the petitioner in BLAPL No.6513 of 2026; Mr. Satyajee Rout, learned counsel for the petitioner in BLAPL No.6957 of 2026 and Mr. T.K. Acharya, learned Additional Public Prosecutor and perused the record. At the outset, on being queried about the criminal antecedent of the petitioner, Mr. Julu Khansama, learned counsel for the petitioner in BLAPL No.6513 of 2026 volunteers to withhold bail to the said petitioner, if he is found to have any criminal antecedent for commission of offence under NDPS Act.

5. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioners for transporting 625Kgs of Contraband Ganja, but the petitioner-Bingu Khila was never apprehended from the spot nor was he found in conscious possession of any Contraband article. Besides, the petitioner-Bingu Khila is in custody since 04.08.2025 and in the meantime, near about a year has elapsed. On the other hand, the petitioner-Madhab Khemudu was allegedly found in possession of Contraband article together with the vehicle. Grant or refusal of bail for commission of offence under NDPS Act involving commercial quantity is governed by Section 37 of NDPS Act, which prescribes that no person accused of an offence under NDPS Act involving commercial quantity shall be released on bail, where the public prosecutor opposes such bail application of



the accused; unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any offence while on bail. In this case, not only the learned Additional PP opposes the bail application of the petitioners, but also, he submits that the petitioner-Madhab Khemudu was found in possession of commercial quantity of Contraband article. In the aforesaid facts and circumstances and taking into consideration the materials so placed on record and in absence of any criminal antecedent reported against the petitioner-Bingu Khila, this Court considers that only the petitioner-Bingu Khila has satisfied the conditions of Section 37 of NDPS Act, but the petitioner-Madhab Khemudu appears to have not satisfied the conditions of Section 37 of NDPS Act.

6. For the reasons stated herein above and taking into account the pre-trial detention of the petitioner-Bingu Khilo in custody, this Court while not being inclined to grant bail to the petitioner-Madhab Khemudu in BLAPL No.6957 of 2026, however, considers it proper to admit the petitioner-Bingu Khila in BLAPL No.6513 of 2026 to bail.

7. Hence, the prayer for bail of the petitioner-Madhab Khemudu stands rejected, whereas the prayer for bail of petitioner-Bingu Khila in BLAPL No.6513 of 2026 stands allowed. Accordingly, the petitioner-Bingu Khila in BLAPL No.6513 of 2026 be allowed to go on



bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) 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 deem fit and proper by it.

In view of the specific submission as advanced for the petitioner, the benefit of this order shall not be extended to the petitioner, if he is found to have any criminal antecedent for commission of offences under NDPS Act.

8. Accordingly, these BLAPLs stand disposed of. 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

Subhasmita