



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL Nos.11623 & 12515 of 2025

(In the matter of application under Section 483 of the BNSS).

Sameep Ahammed ... ***Petitioners***
(In BLAPL No. 11623 of 2025)
Mahendra Singh
(In BLAPL No. 12515 of 2025)
-versus-

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

For Petitioners : ***Mr. A.K. Rout, Advocate***

For Opposite Party : ***Mr. T.K. Acharya, Addl. PP***

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT:23.02.2026(ORAL)

G. Satapathy, J.

1. 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.

2. These are two bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Jeypore Sadar PS Case No.181 of 2022 arising out of TR Case No.32 of 2022 for commission of offences punishable U/Ss. 20(b)(ii)(C) of the NDPS Act pending in



the Court of learned Addl. Sessions Judge-cum-Special Judge, Jeypore, on the main allegation of transporting 647Kgs of Contraband Ganja in a container bearing Registration No. RJ-18-GB-4145, along with co-accused persons.

3. Heard, Mr. Ajay Kumar Rout, learned counsel for the Petitioners and Mr. T.K. Acharya, learned Addl. PP in the matter and perused the record.

4. Bail to the Petitioners is in fact sought for on the ground of parity and absence of Presiding Officer of the learned trial Court, but fact remains that there is allegation against the Petitioners for transporting 647Kgs of Contraband Ganja, which is well above the commercial quantity and grant or refusal of bail for commission of offence under NDPS Act involving commercial quantity is governed by Sec. 37 of NDPS Act, which prescribes that no person accused of offence under NDPS Act involving commercial quantity shall be released on bail, where Public Prosecutor opposes such bail application; unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence



and he is unlikely to commit offence while on bail. No doubt, the Petitioners have sought for bail on the ground of parity, but the order by which bail is granted to co-accused does not demonstrate any discussion of Sec. 37 of NDPS Act which is *sine qua non* for grant of bail for commission of offence under NDPS Act involving commercial quantity. In this context, this Court is fortified with the decision of the Apex Court in ***Satpal Singh Vrs. State of Punjab; (2018) 13 SCC 813***, wherein the pre-arrest bail application of one accused namely Satpal Singh was turned down by one of the Bench of High Court, whereas the pre-arrest bail application of co-accused Beant Singh and Gurwinder Singh had been allowed by another Bench of the said High Court, but after noticing the provisions of Sec.37 of NDPS Act, the Apex Court while upholding the view of the learned Judge declining to give protection to accused Satpal Singh for not recording satisfaction of the conditions U/S.37 of NDPS Act cancelled the pre-arrest bail granted by the High Court to co-accused Beant Singh and Gurwinder Singh for not recording satisfaction of the conditions



U/S.37 of the NDPS Act which is sine qua non for granting bail to an accused for offences involving commercial quantity. The relevant observation of Apex Court in **Satpal Singh (supra)** in Paragraph-14 is extracted as under:-

*"14. xx xx. The quantity is reportedly commercial. In the facts and circumstance of the case, the High Court could not have and should not have passed the order **U/S.438 or 439 of CrPC** without reference to **Sec.37 of NDPS Act** and without entering a finding on the required level of satisfaction in case the Court was otherwise inclined to grant bail. Such a satisfaction having not been entered, the order dated 21.09.2007 (granting pre-arrest bail to accused person) is only to be set aside and we do so."*

5. Further, it is advanced for the Petitioners to grant bail to the Petitioners for want of Presiding Officer of the trial Court, but the said contention can be remedied by requesting the learned District & Sessions Judge, Koraput at Jeypore to take proper steps to either assign the case to himself or any other competent Court at the station for ensuring trial in this case. Besides, in the meanwhile, seven witnesses have already been



examined. In the aforesaid facts and circumstances and taking into account the materials so placed on record, this Court hardly finds the Petitioners to have satisfied the conditions of Sec. 37 of NDPS Act.

Hence, the bail applications of these petitioners stand rejected. The learned District & Sessions Judge, Koraput at Jeypore is hereby requested to take appropriate steps for ensuring trial to the Petitioners by taking necessary approval of this Court.

6. Accordingly, these BLAPL Nos. 11623 & 12515 of 2025 stand disposed of. A soft copy of this order be immediately transmitted to the learned trial Court, so also to the learned District & Sessions Judge, Koraput at Jeypore for compliance.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 23rd February, 2026/Priyajit*