



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL Nos.11614, 11787&13211 of 2025

(In the matter of applications under Section 483 of
BNSS, 2023).

M. Mohan Rao ... **Petitioners**
(In BLAPL No.11614 of 2025)
Ganesh Rengali
(In BLAPL No.11787 of 2025)
Padman Muduli
(In BLAPL No.13211 of 2025)

Mr.P.K. Nanda, Advocate
(in BLAPL No.11614 of 2025)
Mr. M. Nandy, Advocate
(in BLAPL No.11787 of 2025)
Mr. A. Mohanty, Advocate
(in BLAPL No.13211 of 2025)
-versus-

State of Odisha ... **Opposite Party**
Mr. P. Satpathy, Addl. PP

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 23.02.2026

G. Satapathy, J.

1. Since these three bail applications arise out of one and same case record, the same are taken up & heard together and disposed of by this common order with the consent of the learned counsel for the parties.
2. These three applications U/S.483 of BNSS by the petitioners for grant of bail in connection with



Malkangiri PS Case No.529 of 2023 corresponding to Special GR Case No.204 of 2023 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for commission of offences punishable U/Ss.20(b)(ii)(C)/25/29 of NDPS Act.

3. The gist of facts as found from the record is that on 30.09.2023 at about 4.45a.m while performing patrolling duty, the police staff stopped two bolero vehicles coming from Malkangiri on suspicion. The first Bolero bearing the Registration No.OD-24-7169 was stopped in which one M. Mohan Rao and CICL were sitting. The second Bolero bearing Registration No.OD-02-AL-9817 was also stopped at some distance and three persons sitting therein escaped, but during search, 600Kgs of contraband Ganja were seized from the aforesaid two vehicles. The second Bolero was being allegedly driven by Mr. Arjun Rao @ China (brother of accused M. Mohan Rao) with co-passenger Ganesh. During interrogation, M. Mohan Rao stated that the ganja had been supplied by Padman Muduli, who was



allegedly escorting the ganja in another Bolero bearing Registration No.OR-05-AM-4772 along with co-accused person. During investigation, it was found that the petitioner-Padman Muduli has one criminal antecedent in Chitrakonda PS Case No.57 of 2023 for commission of offence punishable U/S.20(b)(ii)(C) of the NDPS Act.

4. Heard Mr. Prasanta Kumar Nanda, learned counsel for the petitioner in BLAPL No.11614 of 2025; Mr. Mangu Nandy, learned counsel for the petitioner in BLAPL No.11787 of 2025; Mr. Abhas Mohanty, learned counsel for the petitioner in BLAPL No.13211 of 2025 and Mr. P. Satpathy, learned Addl. PP in the matter and perused the record.

5. After having considered the rival submission upon perusal of record, there appears allegation against the petitioners for transporting 600Kgs of contraband ganja which is well above the commercial quantity in two bolero vehicles, but law is well settled that grant or refusal of bail for commission of offences under NDPS Act involving commercial



quantity is governed by Sec. 37 of NDPS Act, which prescribes that no person accused of offence involving commercial quantity shall be released on bail, unless the twin conditions laid down therein are satisfied, namely, (i) the public prosecutor has been given an opportunity to oppose the bail application; and (ii) the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is unlikely to commit any offence while on bail. The materials on record reveals about one criminal antecedent against the petitioner-Padman Muduli in Chitrakonda PS Case No.57 of 2023 for offence U/S.20(b)(ii)(C) of NDPS Act, in addition to recovery and seizure of commercial quantity of contraband article from the vehicle allegedly in occupation of the petitioner-M. Mohan Rao. Besides, the petitioner Ganesh Rengali was taken into custody on 13.08.2025 on the strength of NBWA and case against other co-accused persons was split up earlier for the abscondance of the petitioner Ganesh Rengali. In the aforesaid facts and allegation against all the three petitioners, it appears to



the Court that the petitioners have failed to satisfy the conditions of Sec.37 of NDPS Act, which is sine qua non for grant of bail to the person accused of offence under NDPS Act involving commercial quantity. This Court, therefore, is not inclined to grant bail to any of the petitioners.

6. Hence, all the three bail applications of the petitioners namely M. Mohan Rao (In BLAPL No.11614 of 2025) Ganesh Rengali (In BLAPL No.11787 of 2025) & Padman Muduli (In BLAPL No.13211 of 2025) stand rejected.

7. Accordingly, the BLAPLs stand disposed of. A soft copy of this order be immediately communicated to the learned trial Court.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 23rd day of February, 2026/Jayakrushna*