



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL Nos. 12923 & 12924 of 2025

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

Mohammad Sahid @ M.D. Sahid ... **Petitioners**
(In BLAPL No.12923 of 2025)
Rabin Tyagi @ Ravin Tyagi
(In BLAPL No. 12924 of 2025)

Mr. S. Manohar, Advocate
(In both the BLAPLs)

-versus-

State of Odisha

... Opposite Party

Mr. P. Satpathy, Addl. PP

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT: 04.05.2026 (ORAL)

G. Satapathy, J.

1. These are bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Malkangiri P.S. Case No. 167 of 2023 corresponding to Special G.R. Case No. 90 of 2023 pending in the file of learned Sessions Judge-cum-Special Judge, Malkangiri, for commission of offences punishable U/Ss. 20(b)(ii)(C)/ 25/29 of NDPS Act, on the allegation of jointly transporting



476 Kgs 900Grams of Contraband Ganja in a white colour container bearing Regd. No.CG04-MA-4123.

2. In the course of hearing, Mr. Shyam Manohar, learned counsel appearing virtually for both the petitioners submits that the accused Vishal is the purchaser of the Contraband article, but the present petitioners are labourer by occupation and they do not know about the transportation of the Contraband Ganja in the vehicle in question, since it was told to them that cattle feed is being transported, which is evident from the FIR and the petitioners are resident of Delhi, but the so called purchaser is a resident of Chhatisgarh and the vehicle of State of Chhatisgarh has been used in this case and, therefore, there would not be any nexus between transportation of Contraband article and the petitioners. It is also submitted by Mr. Manohar that the petitioners are in custody since last more than three years and the trial having not yet been concluded, the petitioners are entitled to be released



on bail on that very score. On this submission, Mr. Manohar prays to grant bail to the petitioners.

2.1. On the other hand, Mr. P. Satpathy, learned Addl. PP, however, strongly opposes the bail applications of the petitioners by contending *inter alia* that since the petitioners were found in possession of 476Kgs 900Grams of Contraband Ganja, which is well above the commercial quantity and they having not satisfied the conditions of Sec.37 of NDPS Act, their bail application may kindly be rejected.

3. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioners for transporting commercial quantity of Contraband Ganja in a container, but this Court has earlier sought for instruction from the Superintendent of Police, Malkangiri by communicating with his counterpart at Mujaffarnagar(Uttar Pradesh) for obtaining criminal antecedent and for verification of the address



furnished by the petitioner-Md.Sahid @ M.D. Sahid, however, the Inspector in-charge, Malkangiri Model P.S., Cuttack was communicated with regard to verification of the address of the petitioner as under:-

"The petitioner Mohammad Sahid @ M.D. Sahid, S/o- Mohammad Rulah, R/o. D-36/A, Hari Enclave, Kirari Suleman Nagar, Sultanpuri, Delhi-110086 is a permanent resident of said address and they have shifted from old address F/250, Sultanpuri, Delhi to new address as stated above."

However, on perusal of the address furnished by the petitioner in the bail application, he appears to have furnished the old address F/250, Sultanpuri, Delhi. It is no doubt advanced for both the petitioners that they do not pose flight risk and they are no way connected with the present case, but the petitioners were allegedly apprehended from the container in question while transporting commercial quantity of Contraband Ganja. Right to speedy trial is in fact the fundamental right of an accused, however, Sec.37 of NDPS Act casts certain duty on the Court before granting bail to an accused for commission of



offence under NDPS Act involving commercial quantity. In a very recent decision in ***State of Punjab vrs. Sukhwinder Singh @ Gora; 2026 Live Law(SC) 421***, the Apex Court has made it clear that right to speedy trial under Article 21 of the Constitution is undoubtedly a valuable constitutional guarantee; but in the context of a special statute such as the NDPS Act dealing with commercial quantity, that right has to be read alongside, and not in displacement of the mandate of Sec.37 of NDPS Act.

4. In view of the aforesaid facts and circumstances and taking into consideration the nature and gravity of the offence as alleged against the petitioners vis-à-vis the accusations sought to be brought against them and regard being had to the recovery and seizure of such a huge quantity of Contraband Ganja to the tune of 476Kgs 900Grams, which is well above the commercial quantity from the vehicle allegedly in occupation of the petitioners at the time of their detection and the consequent failure of both the petitioners to satisfy the



conditions of Sec.37 of NDPS Act, which is sine qua non for grant of bail to an accused under NDPS Act involving commercial quantity, this Court is not inclined to grant bail to either of the petitioners.

5. Hence, these two bail applications of each of the petitioners namely Mohammad Sahid @ M.D. Sahid (BLAPL No. 12923 of 2025) and Rabin Tyagi @ Ravin Tyagi (BLAPL No. 12924 of 2025) stand rejected.

6. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. 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

*Orissa High Court, Cuttack,
Dated the 4th day of May, 2026/S.Sasmal*

Signature Not Verified

Digitally Signed
Signed by: SUBHASHMITA SASMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 05-May-2026 10:44:00

