



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No.12347 of 2024**

***Md. Ikram***

...

***Petitioner***

*Mr. A.Biswal, Advocate*

*-versus-*

***State of Odisha***

...

***Opposite Party***

*Mr. A.K.Apat, Addl. PP*

**CORAM:**  
**JUSTICE G. SATAPATHY**

**ORDER(ORAL)**  
**01.05.2025**

**Order No.**  
**04.**

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application U/S.483 of the BNSS Act, 2023 by the petitioner for grant of bail in connection with PR No. 539 of 2022-23 corresponding to 2(a) CC No. 54 of 2023 pending in the Court of learned 2<sup>nd</sup> Additional District & Sessions Judge, Cuttack, for commission of offences punishable U/S.20(b)(ii)(c) Act, on the allegation of transporting 125 Kgs of Contraband Ganja in a Maruti Suzuki Swift car bearing Regd. No. HR-27F-9110.
3. Heard, Mr. Amit Biswal, learned counsel for the petitioner and Mr. A.K.Apat, learned Addl. Public Prosecutor in the matter and perused the record.
4. It is brought to the notice of the Court that the petitioner has been detained in custody for last two years, but trial is yet to be concluded and only



two out of three witnesses have been examined. Further, co-accused Sahrn Khan has been granted bail by a Co-ordinate Bench of this Court in BLAPL No. 11166 of 2024. The quantity of Contraband articles seized in this case is commercial in nature and thereby, the provision of Sec. 37 of NDPS Act may ordinarily be attracted for grant of bail to the petitioner. In the peculiar facts and circumstance of the case and keeping a eye on the long detention of the petitioner in custody for near about two years and right to speedy trial being the fundamental right of an accused, this Court considers that the conditions of Sec. 37 of NDPS Act may be dispensed with at this stage for the petitioner.

5. For the reasons stated hereinabove and taking into account long custody period of the petitioner and release of co-accused Sahrn Khan on bail, this Court without expressing any view on merit admits the Petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) only with two solvent sureties each 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 with following conditions:-



*(i) the petitioner shall not commit any offence while on bail,*

*(ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. **In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS,2023 in accordance with law,***

*(iii) the petitioner shall not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case by intimating his present address of stay to the concerned Court,*

*(iv) the petitioner shall report attendance before the IIC of Jurisdictional Police Station once in a fortnight preferably on a Sunday in each month in between 10 A.M. to 12 Noon for six (06) months from the actual date of release from the custody.*

The IIC of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for any



offence under NDPS Act on prima facie accusations may be treated as a ground for cancellation of bail in this case.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

**(G. Satapathy)**  
**Judge**

*kishore*

Signature Not Verified

Digitally Signed  
Signed by: KISHORE KUMAR SAHOO  
Reason: Authentication  
Location: High Court of Orissa  
Date: 02-May-2025 13:49:58

