IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5569 of 2026

CNR No. ODHC010402482026

Chandan Kar …. ***Petitioner***

Mr. S. Mohanty, Advocate

-versus-

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

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

29.10.2026

Order No.

04. 1. Since BLAPL No.3577 of 2026 is not connected with BLAPL No.5569 of 2026, the same be detagged.

2. Heard learned counsel for the Petitioner and learned counsel for the State.

3. The Petitioner is accused in connection with G.R. Case No.32 of 2025, pending on the file of learned Sessions Judge-cum-Special Judge, Subarnapur, arising out of **Tarva P.S. Case No.163 of 2025** for alleged commission of offences under Sections 20(b)(ii)(C)/ 25/ 29 of the NDPS Act.

4. Learned counsel, on instruction, submits that except the present BLAPL, no other bail applications of the Petitioners relating to the aforementioned P.S. case is pending in any other Court.

5. Being aggrieved by the rejection of their application for bail U/s.483 of BNSS by the learned Spl. Judge, Sonepur by order dated 07.05.2026 in the aforementioned case, the present BLAPL has been filed.

6. Learned counsel for the State opposes the prayer for bail.

7. During the course of hearing, learned counsel for the Petitioner brings to the notice of this Court that the consideration by the learned Court in seisin was prior to the filing of the charge sheet, which is evident from the tenor of the impugned order i.e. "The investigation is at nascent stage.".

8. Considering the same, this Court is **not inclined** to entertain this bail application at this stage without having the benefit of consideration of materials on record qua the accusation relating to the Petitioner by the learned Court in seisin, post charge sheet.

9. Accordingly, the BLAPL stands disposed of giving liberty to the Petitioner to renew his prayer before the learned Court in seisin.

If such an application is made, learned Court in seisin is requested to consider the same on its own merits without being influenced by the earlier rejection or the order passed by this Court and also taking into account the specific stand of the Petitioner that the sole

basis of implication is on account of the co-accused statement and the Petitioner is entitled to be released on bail in view of the judgments of the Apex Court in the case of **Tofan Singh vrs. State of Tamil Nadu,** reported in **(2021) 4 SCC 1** and **the State of Haryana vrs. Samarth Kumar** reported in **2022 Live Law (SC) 622**.

It is needless to state here that the observations made herein ought not to be construed as this Court expressing any opinion on merits.

(V. Narasingh)
Judge

Santoshi

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Oct-2026 17:09:55