IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7415 of 2026
CNR No. ODHC010509362026

Dillip Kumar Bhoi @ Dillip Bhoi ..... ***Petitioner***

Represented by Adv. - Biswabhusan Das

-versus-

State Of Odisha ..... ***Opposite Parties***

Represented by Adv. –

Mr. U. Ch. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
29.10.2026

Order No.

02. 1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of the B.N.S.S. has been filed by the Petitioner for regular bail in connection with Biridi PS Case No.275 of 2024 corresponding to C.T Case No.332 of 2024 pending in the Court of learned Addl. Sessions-cum-Special Judge, Jagatsinghpur.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 18.09.2024. He further submitted

that in the meantime investigation has been concluded and the final charge sheet has already been filed. It is also brought to the notice of this Court that, in the meantime, the trial has commenced and, out of the 23 prosecution witnesses, 18 have been examined so far. At this juncture, learned counsel for the petitioner contended that the prosecution case is based entirely on circumstantial evidence and that there are no eyewitnesses to the occurrence. Referring to the allegations leveled by the prosecution, learned counsel for the petitioner further submitted that among the witnesses examined so far, only one witness had stated before the Court that he had seen the petitioner and the deceased consuming liquor together. He further contended that the deceased died due to drowning and that such a possibility is corroborated by the medical evidence, which reveals that the cause of death was asphyxia. It was also submitted that, during the post-mortem examination, the body of the deceased was found to be heavily intoxicated. On the basis of the aforesaid circumstances, learned counsel for the petitioner contended that the possibility of the deceased having died due to drowning cannot be ruled out. He further submitted that there is no direct or circumstantial evidence implicating the petitioner in the alleged crime. It was also contended that the petitioner has been languishing in custody for more than two years. In view of the aforesaid factual circumstances, learned counsel for the petitioner prayed that the petitioner be enlarged on bail on such stringent terms and conditions as this Court may deem fit and proper.

5. The learned Additional Standing Counsel, on the other hand, opposed the petitioner's prayer for bail on the grounds of the gravity and seriousness of the allegations. Referring to the materials collected during the investigation, as well as the depositions of the

witnesses recorded thus far, he submitted before this Court that, although there were no eyewitnesses to the occurrence, sufficient materials had been collected to make out a case against the present petitioner on the basis of circumstantial evidence. He further submitted that, having regard to the gravity and seriousness of the allegations, as well as the depositions of the witnesses examined by the Court, who had stated that he had seen the petitioner meeting the deceased prior to the death, there was sufficient material to draw a presumption regarding the petitioner's involvement in the alleged crime. On these grounds, the learned counsel for the State prayed for rejection of the petitioner's bail application at this stage.

6. Having heard the learned counsel for the respective parties and upon careful consideration of the surrounding facts and circumstances, as well as the materials on record, this Court finds that the petitioner has been implicated in the alleged offence of committing the murder of the deceased. The prosecution's allegation finds support in the post-mortem report of the deceased, which records that the cause of death was asphyxia. However, no external injuries were found on the body of the deceased during the post-mortem examination. The Medical Officer has categorically stated that the deceased was heavily intoxicated at the time of his death. Having regard to the materials on record and the statements of the witnesses, the possibility that the death of the deceased was caused by accidental drowning cannot be ruled out. In the aforesaid factual background, the probability of the deceased having died due to accidental drowning appears plausible. Moreover, the materials collected so far do not specifically indicate that the death of the deceased was homicidal or establish the involvement of the petitioner in any such homicidal death.

7. Having heard the learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record and upon taking into consideration the period of custodial detention of the petitioner as well as on a close scrutiny of deposition of the witnesses recorded so far, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

8. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.40,000/- (Rupees Forty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter.

9. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

Violation of any of the conditions shall entail cancellation of the bail application.

10. The BLAPL is, accordingly, disposed of.

(ADITYA KUMAR MOHAPATRA)
Judge

Utkalika

Signature Not Verified
Digitally Signed
Signed by: UTKALIKA NAYAK
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Oct-2026 16:47:44