IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9957 of 2026
CNR No. ODHC010735832026

Hitesh Swain **.....** ***Petitioner***

Represented by Adv. -
Partha Sarathi Das

-versus-

STATE OF ODISHA **.....** ***Opposite Party***

Represented by Adv. –

Mr. C. Mohanty, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
31.10.2026

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical 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 B.N.S.S. has been filed by the Petitioner for regular bail in connection with G.R. Case No.397 of 2026, arising out of Kabisuryanagar P.S. Case No.407 of 2026, pending in the Court of learned J.M.F.C., Kabisuryanagar for alleged commission of offence punishable under Sections 310(2) of the BNS and sections 25/27 of Arms Act.

4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 21.06.2026. He further contended that investigation has been concluded in the meantime and final charge-sheet has been

filed. Learned counsel for the Petitioner further submitted that although T.I. parade was conducted, however the Petitioner has not been identified in such T.I. parade. Learned counsel for the Petitioner further referring to the allegation made in the FIR submitted before this Court that the Petitioner has been falsely implicated in the present case. He further submitted that the stolen articles have already been recovered in the meantime. It was also brought to the notice of this Court that the Petitioner does not have any similar criminal antecedent that he belongs to locality therefore there is no chance of absconding. On such ground, learned counsel for the Petitioner submitted that the Petitioner be enlarged on bail on any stringent terms and conditions.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground of gravity and seriousness of the allegation. Further submitted that in the event the Petitioner is released on bail, there is every likelihood that he might have either abscond or indulge in similar criminal activities. Therefore, on such ground, learned counsel for the State submitted that the bail application of the Petitioner be rejected at this juncture.

6. Having regard to the submission made by the learned counsel for the respective parties and on careful examination of the nature and gravity of the allegation and the fact that the Petitioner does not have any criminal antecedent and that he was not identified in the T.I. parade conducted and in the meantime investigation has been concluded and charge-sheet has been filed, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

7. 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 each for the like amount to the satisfaction of the learned court in seisin over the matter. 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.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent. In the event it is found that the Petitioner is having any criminal antecedent, this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 02-Nov-2026 11:04:09