IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10766 of 2026
CNR No. ODHC010782882026

Binay Kumar Garnayak @ Binaya Kumar Garnaik ..... ***Petitioner***

Represented by Adv. – Mr. S.K.Bhanjadeo, Adv. on behalf of Mr.Suryakanta Dwibedi, Adv.

-versus-

State Of Odisha(Vig.) ..... ***Opposite Party***

Represented by Adv. – Mr.S.K.Das, Standing Counsel for Vigilance Dept.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No.

02. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. S.K. Bhanjadeo, learned counsel appearing for the Petitioner and Mr. S.K.Das, learned Standing Counsel for the Vigilance Department. 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 seeking regular bail in connection with CTR Case No.20(A)/06 of 2013-17, arising out of

Sambalpur Vigilance P.S Case No.72 of 2010, pending in the Court of the learned Special Judge, (Vigilance), Balangir, for the alleged commission of offences punishable under Sections 13(2) read with 13(1)(d) of the P.C Act, 1988 and Section 120-B of the I.P.C.

4. It is stated by the learned counsel for the Petitioner that the Petitioner, who was working as a Special Land Acquisition Officer, has been languishing in custody since 21.03.2025. He further submitted that although the Petitioner was initially arrested on 21.03.2025 in connection with another case, he was taken on remand in the present case on 09.09.2025. Learned counsel for the Petitioner further contended that, in the meantime, the investigation has been concluded, the charge sheet has been filed and the trial has commenced. He further submitted that the Petitioner, who is aged about 72 years, undertakes to abide by any stringent terms and conditions that may be imposed by this Court in the event of his release on bail. It is also brought to the notice of this Court that although the trial has commenced, there is no likelihood of the same being concluded in the near future. On such ground, learned counsel for the Petitioner contended that the Petitioner may be enlarged on bail on such stringent terms and conditions as this Court may deem fit and proper.

5. Mr. S.K. Das, learned Standing Counsel for the Vigilance Department, on the basis of the instruction dated 22.10.2026, submitted before this Court that although cognizance in the present case was taken on 26.11.2013, due to the abscondence of the Petitioner, the trial was split up against him vide order dated 11.10.2021. He further submitted that after the Petitioner was remanded in the present case on 09.09.2025, charge was framed on

23.12.2025 and the Vigilance Department is taking steps to expedite the trial. He further submitted that, in the meantime, six out of a total of twenty-four prosecution witnesses have been examined. It was also brought to the notice of this Court that the total amount involved in the alleged misappropriation is approximately Rs.1,40,11,456/-. Learned Standing Counsel for the Vigilance Department further contended that the Petitioner is involved in a series of cases, all relating to misappropriation of public funds. On such ground, learned Standing Counsel for the Vigilance Department opposed the prayer for release of the Petitioner on bail.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.1,00,000/- (Rupees One Lakhs) with two local 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.

7. It is further directed that release of the Petitioner shall also be subject to furnishing property security of Rs.10,00,000/- (Rupees Ten Lakhs) before the learned trial court to the satisfaction of the learned court in seisin over the matter.

8. It is further made clear that in the event the Petitioner violates any of the conditions imposed by the learned trial Court, it shall be open to the learned trial Court to take appropriate steps in accordance with law for cancellation of the bail and for taking the Petitioner back into custody.

9. The BLAPL is, accordingly, disposed of.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 15:05:57