IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.11897 of 2026
CNR No. ODHC010790982026

Brajaraj Balabantaray **.....** ***Petitioner***

Represented by Adv. - Abhisiddhanta Sahoo

-versus-

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

Represented by Adv. – Mr. C.R. Swain, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
23.10.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner and learned Additional Government Advocate for the State. Perused the records.

3. This is an application under Section 438, Cr.P.C filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 20(b)(ii)C of the N.D.P.S Act in Gochhipada P.S. Case No.85 of 2026 of the Court of learned Sessions Judge-cum-Special Judge, Kandhamal at Phulbani.

4. It is stated by learned counsel for the Petitioner that although the Petitioner has been named in the FIR however the Petitioner happens to be the owner of the vehicle which was involved in the alleged crime. He further contended that although the vehicle has

been seized in connection with illegal transportation of contraband articles however the Petitioner was neither directly involved nor he had any information with regard to such crime. On such ground, learned counsel for the Petitioner stated that the Petitioner has protected by granting anticipatory bail.

5. Learned counsel for the State on the other hand objected to release the Petitioner on anticipatory bail on the ground of gravity and seriousness of the allegation.

6. Considering such submission made by the learned counsel for the Petitioner, the Petitioner is permitted to surrender before the learned court in seisin over the matter within a period of four weeks from today and move an application for bail. In such eventuality, learned court in seisin over the matter shall do well to consider the aforesaid observations made by this Court and dispose of the bail application of the Petitioner on the same day. While considering the bail application of the Petitioner, the learned trial court shall also apply the principles of parity.

7. The case diary be made available on the date of surrender on an application being filed by the Petitioner prior to his date of surrender along with a copy of today's order.

8. The ABLAPL is disposed of accordingly.

Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Vacation Judge

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 24-Oct-2026 18:38:48