IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10854 of 2026
CNR No. ODHC010794582026

Jagannath Swain ..... ***Petitioner***

Represented by Adv.
- Lalitendu Mishra

-versus-

State Of Odisha ..... ***Opposite Party***

Represented by Adv. –
C.Mohanty, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
29.10.2026

Order No.

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

I.A No.728 of 2026

2. Learned counsel for the Petitioner submits that the Petitioner does not want to press the I.A application.

3. Accordingly, the I.A application is disposed of as not pressed.

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4. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party as well as learned counsel for the Informant. Perused the Bail Application as well as the case diary and other materials placed on record.

5. 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.601 of 2026, arising out of Mahanga P.S. Case No.387 of 2026, pending in the Court of learned J.M.F.C., Mahanga for alleged commission of offence punishable under Section 288 of the BNS and Section 5(a) of the Explosive Substances Act.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner, who is aged about 72 years, has been arrested in connection with the present case and he has been languishing in custody since 24.09.2026. Learned counsel for the Petitioner further contended that the Petitioner does not have any similar criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding.

7. Further referring to the allegation made against the present Petitioner, learned counsel for the Petitioner contended that the offences alleged are punishable for a maximum period of 6 months under Section 288 of the BNS and for a period of 10 years under Section 5(a) of the E.S Act. He further contended that as per the prosecution allegation some gun powder was recovered from the outhouse of the Petitioner which was kept for the preparation of fire cracker. On such ground, learned counsel for the Petitioner submitted that the Petitioner be enlarged on bail subject to any stringent terms and conditions.

8. 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. He further submitted that in the event the Petitioner is released on bail there is every likelihood that the same would cause delay in conclusion of the

investigation as well as trial.

9. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, further taking note of the fact that the Petitioner is aged about 72 years and he has no criminal antecedent, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

10. 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.

11. 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 other conditions shall entail cancellation of the bail application.

12. It is further directed that the bail granted to the Petitioner shall be subject to the verification of his criminal antecedents. In the event, the Petitioner is having any criminal antecedent, then this order shall stand automatically revoked.

13. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 31-Oct-2026 12:59:26