



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1124 of 2026

Binoy T.B.

....

Petitioner

Mr. S.S. Ray (2), Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.K. Lenka, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.02.2026

Order No.

01.

1. Heard learned counsel for the respective parties.
2. Instant petition under Section 482 BNSS is filed for pre-arrest bail of the petitioner in connection with Padmapur P.S. Case No.29 of 2023 corresponding to T.R. Case No.38 of 2023 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Gunupur on the grounds stated therein.
3. Perused the FIR as at Annexure-1. A copy of the acquittal order in T.R. Case No.38 of 2023 in respect of the accused persons is at Annexure-2, referring to which, it is submitted that the petitioner, who happens to be the owner of the vehicle and not chargesheeted can be granted pre-arrest bail. It is further submitted by the learned counsel for the petitioner that the present accused had approached the local police for release of the vehicle, but at the same time



apprehends arrest by them. A copy of the release order dated 7th January, 2026 by learned Additional Sessions Judge, Gunupur in respect of the alleged vehicle in favour of the petitioner is produced in support of the contention advanced. A copy of the preliminary chargesheet is filed. It is informed to the Court that a split-up case is pending enquiry against other accused persons before the learned court below. This Court finds from the copy of the chargesheet that the investigation is kept open in terms of Section 173(8) Cr.P.C. The depositions of witnesses examined in T.R. No.38 of 2023 have also been produced by the learned counsel for the petitioner. It is submitted that the petitioner even though has not been implicated but apprehends arrest by the police in connection with this case despite the fact that he is just the owner of the vehicle.

4. Recorded the objection of the State.

5. Considering the fact that the investigation is concluded with the preliminary chargesheet filed and there is no incriminating material shown to exist against the petitioner, who being the owner of the alleged vehicle in which the contraband Ganja was being transported and intercepted by the local police and the submissions of the learned counsel for the both the sides, this Court is of the view that he should be directed to surrender before the learned court below for being released instead of pre-arrest bail, as demanded by him.

6. Accordingly, it is ordered.



7. In the result, ABLAPL stands disposed of with the direction as aforesaid. It is further directed that in the event of surrender before the court of learned Additional Sessions Judge-cum-Special Judge, Gunupur within a fortnight from today, the petitioner shall be released on bail in connection with Padmapur P.S. Case No.29 of 2023 corresponding to T.R. Case No.38 of 2023 subject to him furnishing a bail bond of Rs.50,000/- (Rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, which shall be at liberty to impose such other suitable conditions as deemed just and proper in the facts and circumstances of the case.

8. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

Alok