



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3092 of 2026

*Md. Samad @ Sk. Samad
@ Samasad @ Md. Samad
Gaddi @ Rizwan Ali*

....

Petitioner(s)

Mr. Biswabhusan Das, Adv.

-versus-

State of Odisha

....

Opposite Party(s)

Mrs. Sarita Moharana, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

02.

ORDER

04.05.2026

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
280	19.08. 2025	Dhanupali	ST Case No.348 of 2025, Sessions Judge, Sambalpur	103(1)/3(5) of the BNS

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioner, being in custody in Dhanupali P.S. Case No.280 dated 19.08.2025, corresponding to S.T. Case No.348 of 2025, pending in the Court of learned Sessions Judge, Sambalpur, registered for the alleged commission of



offences under Sections 103(1)/3(5) of BNS, has filed this petition for his release on bail.

4. The prosecution case, in brief, is that on 19.08.2025 at about 2:25 A.M., the informant Md. Zabid Khan lodged a written report alleging that on 18.08.2025 at about 10:00 P.M., while he was present at Zilla School Chowk, he saw certain persons taking his brother, Aspak Khan, towards D.H.H., Sambalpur on a motorcycle. It is alleged that the victim had been stabbed on his chest by means of a knife. He was subsequently declared dead by the doctor at D.H.H., Sambalpur. The informant specifically named the present Petitioner and his brother as the assailants. The occurrence is stated to have been witnessed by four eyewitnesses, namely Md. Sona, Md. Rohan, Md. Bitu, and Md. Arfan.

5. Learned counsel for the Petitioner submits that the Petitioner is in judicial custody since 22.08.2025. It is contended that the forwarding report and arrest memo do not disclose the grounds of arrest and that neither the Petitioner nor his family members were informed of the same. It is further submitted that charge sheet has already been submitted, statements of material witnesses have been recorded and there is no direct evidence against the Petitioner. It is argued that there is no likelihood of tampering with evidence.



6. *Per contra*, learned counsel for the State vehemently opposes the prayer for bail, submitting that the Petitioner, along with his co-accused, committed a brutal murder by inflicting successive knife blows on the deceased with the intention to kill him. It is further submitted that the deceased succumbed to multiple stab injuries. The trial is yet to commence and the Petitioner has as many as 31 criminal antecedents, indicating a propensity to commit offences.

7. Upon consideration of the submissions and materials available on record, it is observed that the allegations against the Petitioner are grave and serious in nature, involving an offence punishable under Section 302 IPC. The FIR contains specific allegations against the Petitioner. There are named eyewitnesses to the occurrence. The manner of assault, i.e., repeated stabbing, reflects *prima facie* intention to commit murder. The Petitioner is reported to have multiple criminal antecedents (31 cases), which raises a reasonable apprehension regarding repetition of offence and misuse of liberty if released on bail. The trial has not yet commenced and releasing the Petitioner at this stage may adversely affect the prosecution case.

8. So far as the contention regarding non-communication of grounds of arrest is concerned, the same is a matter to be considered during trial or in appropriate proceedings and



does not, by itself, outweigh the gravity of the allegations for the purpose of granting bail in the present case.

9. In view of the aforesaid facts and circumstances, and considering the nature and gravity of the accusation, severity of punishment, *prima facie* materials available on record and the antecedents of the Petitioner, this Court is not inclined to grant bail to the Petitioner at this stage.

10. The BLAPL is, accordingly, disposed of.

11. Issue urgent certified copy of this Order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge