



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1981 of 2026

(In the matter of application under Section 483 of the BNSS, 2023).

Bitu Khatik @ Sonkar* ... *Petitioner

-versus-

State of Odisha* ... *Opposite Party

For Petitioner* : *Ms. D.R. Nanda, Advocate

For Opposite Party* : *Mr. C. Mahanty, Addl. PP

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT:01.07.2026 (ORAL)

G. Satapathy, J.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Jharsuguda PS Case No.502 of 2025 corresponding to CT Case No.2280 of 2025 pending in the file of learned SDJM, Jharsuguda for commission of offences punishable U/Ss. 25(1)(a)/ 25(6)/ 25(8)/ 35 of the Arms Act and Sec. 111(4) of the BNS, on the main allegation of committing organized crime by dealing with fire arms.



2. Heard, Ms. Dipti Rekha Nanda, learned counsel for the Petitioner and Mr. C. Mahanty, learned Addl. PP in the matter and perused the record.

3. No doubt, it is advanced for the Petitioner that one Mobile phone has been recovered, but the Petitioner is allegedly involved in **23 number of criminal cases**, however, the Petitioner has not disclosed any of his criminal antecedent. In ***Munnesh Vrs. State of Uttar Pradesh; (2025) SCC OnLine SC 1319***, the Apex Court in paragraph-9 has inter alia held as under :-

*"9. since the petitioner has suppressed material facts with regard to his involvement in criminal cases, **he is not entitled to the discretionary relief of bail.**"* XXXX xxx xx xx.

4. Additionally, in ***Zeba Khan Vrs. State of UP and others; 2026 SCC OnLine 188***, the Apex Court at paragraphs-42, 43, 47 & 48 has been pleased to hold as under:-

*"42. It has been consistently emphasized by this Court that an accused or applicant seeking bail is under a solemn obligation to make a fair, complete and candid disclosure of all material facts having a direct bearing on the exercise of judicial discretion. **Any suppression, concealment or selective disclosure of such***



material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice.

43. In the present case, Respondent No. 2 deliberately concealed his criminal antecedents before the High Court, both in the petition for quashing FIR as well as in successive bail applications. Even before this Court, only partial disclosure was made in the counter-affidavit, despite the existence of multiple criminal cases on record. **This conduct cannot be viewed as an isolated lapse but reflects a growing and disturbing trend of accused persons securing discretionary relief by suppressing material facts.**

47. As repeatedly observed by this Court, bail applications are examined at multiple stages - from the trial Court to the High Court and ultimately this Court - where courts are often constrained to take a prima facie view on incomplete or selectively presented records. **Non-disclosure of material aspects such as criminal antecedents, prior bail rejections, duration of custody, compliance with constitutional and statutory safeguards, and the progress of trial may result in the unwarranted grant of bail,** or conversely, the prolonged incarceration of accused persons despite substantial custody having already been undergone.

48. Thus, this Court is of the view that **every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents** and the existence of any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, so as to promote uniformity, transparency and integrity in bail adjudication."



5. In view of the above facts and taking into account the materials so placed on record and failure of the Petitioner to disclose his criminal antecedents and taking into account the law laid down by the Apex Court in ***Munnesh (supra) & Zeba Khan(supra)***, this Court is not inclined to grant bail to the Petitioner at this stage.

6. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately transmitted to the learned trial Court.

(G. Satapathy)
Judge

Signature Not Verified
Orissa High Court, Cuttack,
Dated 1st day of July, 2026/Priyajit
Digitally Signed
Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 01-Jul-2026 18:52:02