



THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL Nos.4011 & 4118 of 2026

CNR Nos. ODHC010291142026 & ODHC010199722026

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

***Chiranjibi @ Chiranjibe Beero* ... *Petitioners*
(In BLAPL No. 4011 of 2026)
Sunil Kumar Pattanayak @ Sunil
Ku. Pattanayak
(In BLAPL No. 4118 of 2026)**

-versus-

State of Odisha* ... *Opposite Party

***For Petitioners* : *Mr. J.K. Panda, Advocate*
(In BLAPL No. 4011 of
2026)
Mr. J. Sahoo, Advocate
(In BLAPL No. 4118 of
2026)**

For Opposite Party* : *Mr. M.R. Patra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT: 17.08.2026 (ORAL)

G. Satapathy, J.

1. These are bail applications U/S.483 of BNSS by the petitioners for grant of bail in connection with Baidyanathpur P.S. Case No. 565 of 2025 corresponding to G.R. Case No. 72 of 2025 (N) pending in the file of learned Sessions Judge-cum-Special Judge, Berhampur,



for commission of offence punishable U/S.20(b)(ii)(C)/ 25/29 of the NDPS Act.

2. Heard Mr. Jugal Kishore Panda, learned counsel for the petitioner in BLAPL No. 4011 of 2026, Mr. Jyotirmaya Sahoo, learned counsel for the petitioner in BLAPL No. 4118 of 2026 and Mr. M.R. Patra, learned Addl. PP in these matters and perused the record.

3. Admittedly, both the petitioners have taken the plea of non-compliance of Sec.47 of BNSS as a ground for grant of bail, but this Court as an abundant precaution has sought for the response of the Arresting Officer by way of an affidavit to the plea of the petitioner. Accordingly, the Arresting Officer has filed affidavit *inter alia* stating the following in paragraph-5 of such affidavit:-

"5. That, it is admitted that, inadvertently, I had not served the written ground of arrest in the local language of the accused, but verbally I had communicated the accused and their family members through their mobile phone and that apart is also mentioned in the forwarding report. Xxx xxx xxx xxx xxx.

4. For non-compliance of Sec.47 of BNSS, it is made mandatory by the Apex Court in **Mihir Rajesh Shah**



Vrs. State of Maharashtra; (2026) 1 SCC 500 that the arrestee must be communicated with the grounds of his arrest in writing in the language he understands and such communication has been made applicable to the arrest prospectively from the date of delivery of judgment in ***Mihir Rajesh Shah (supra)***. In this cases, the petitioners were arrested on 07.11.2025, but the judgment of ***Mihir Rajesh Shah (supra)*** was delivered on 06.11.2025 and thereby, the dictum as laid down by the Apex Court in ***Mihir Rajesh Shah (supra)*** is squarely applicable in these two cases.

5. In view of the aforesaid candid admission by the Arresting Officer for non-compliance of Sec.47 of BNSS, but the statutory scheme of law making it mandatory to inform the arrestee with his grounds of arrest as soon as he is arrested, otherwise the arrestee cannot be detained in custody, not only the arrest of the petitioners in this case is vitiated, but also their subsequent remands to custody and the petitioners are entitled to bail on that score.



6. Hence, these two bail applications of the petitioners namely Chiranjibi @ Chiranjibe Beero (BLAPL No. 4011 of 2026); Sunil Kumar Pattanayak @ Sunil Ku. Pattanayak (BLAPL No. 4118 of 2026) stand allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) each with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

7. Accordingly, these BLAPLs stand disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 17th day of August, 2026/S.Sasmal*