



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.5961 of 2026

Bijay Das @ Biju

...

Petitioner

Mr. N.K. Rout, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. C. Mohanty, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):30.06.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is the bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Sadar PS Case No.37 of 2026 corresponding to CT Case No.55 of 2026 pending in the Court of learned JMFC, Balasore, for commission of offence punishable U/S.103(2) of BNS.
3. Mr. Nanda Kishore Rout, learned counsel for the petitioner submits that he was in fact not heard in the matter, but the order has been mechanically passed and there was non-compliance of Section 47 of BNSS r/w Article 22(1) of the Constitution of India, which is evident from the bail application filed by the petitioner before the Court of sessions.
4. On the other hand, Mr. C. Mohanty, learned Additional Public Prosecutor, however, points out that the impugned order does not disclose about the petitioner to have not been heard, but the bail



application filed by the petitioner in this Court at paragraph-11 reveals about challenge of the petitioner for non-compliance of Section 47 of BNSS r/w Article 22(1) of the Constitution of India.

5. After having considered the rival submissions upon perusal of record, it appears that nothing has been adverted to in the impugned order of rejection about compliance or non-compliance of Section 47 of BNSS r/w Article 22(1) of the Constitution of India, but the petitioner in his bail application before this Court at paragraphs-11 to 13 has averred the followings:-

*"11. Because the last para of forwarding letter states that grounds of arrest is explained to the accused, but it is silent that whether the grounds of arrest is explained and **furnished in writing** to accused and his relatives, parents, friends in vernacular language which is well understood by the alleged accused and parents.*

12. Because the Ld. Remand Judge had passed the remand order in mechanical manner, as the subjective satisfaction of Ld. Magistrate has not been reduced in the remand order that whether the Grounds of Arrest is found justified, whether the accused has been produced within 24 hours and if within, what was the time of production before the Ld. Magistrate as there is no time mentioned in the remand order which is sacrosanct and cannot be breached under any situation. Non-compliance of this constitutional requirement and statutory mandate would lead to custody rendered illegal.

13. Because the Grounds of Arrest is devoid of grounds as it has neither written the prima facie role played in the alleged offence by the alleged



accused nor stated what is the offence committed under which he is being arrested."

6. In view of the aforesaid facts and circumstances and taking into consideration the plea as advanced, but the impugned order not disclosing about any discussion with regard to compliance or non-compliance of Section 47 of BNSS r/w Article 22(1) of the Constitution of India, this Court does consider it proper to set-aside the impugned order and remit back to the learned Special Judge (Vigilance), Balasore to pass order afresh by calling for the record and the bail application filed by the petitioner.

7. Accordingly, the present bail application stands disposed of. It is, however, made clear that the learned Special Judge (Vigilance), Balasore should verify as to whether the petitioner has set up such plea in his bail application before the said Court and if the same has not been taken, the Special Judge should pass appropriate order in accordance with law.

(G. Satapathy)
Judge

Subhasmita