



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL NO.270 of 2026**

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

**Sanjay Sahu** ... **Petitioner**

-versus-

**State of Orissa** ... **Opposite Party**

**For Petitioner** : **Mr. H.B. Dash, Advocate**

**For Opposite Party** : **Mr. S.C. Pradhan, Addl. PP**

**CORAM: JUSTICE G. SATAPATHY**

**DATE OF HEARING & JUDGMENT:23.03.2026(ORAL)**

**G. Satapathy, J.**

**1.** This is a bail application U/S.483 of BNS by the petitioner for grant of bail in connection with Plantsite PS Case No.1139 of 2025 corresponding to GR Case No.3929 of 2025 pending in the file of learned SDJM, Panposh, Rourkela for commission of offences punishable U/Ss.338/ 336(3)/ 340(2)/ 297(1)/ 318(4)/ 61(2) of BNS r/w Section 7(3) of the Lottery Regulation Act, on the main allegation of running fake lottery business.

**2.** Heard, Mr. Himanshu Bhusan Dash, learned counsel for the Petitioner and Mr. S.C. Pradhan, learned



Addl. Public Prosecutor in the matter and perused the record.

**3.** The Petitioner has in fact set up the plea for grant of bail for non-compliance of mandatory and statutory provision as laid down in Sec. 47 of BNSS/Article 22(1) of the Constitution of India. Pursuant to the application filed together with hearing the counsel for the Petitioner, since the Petitioner took such plea, this Court by relying upon the decision in ***Vihaan Kumar vs. State of Haryana & Another; 2025 (1) OLR (SC) 464***, has passed order seeking for response of the IO by way of an affidavit to the plea of the Petitioner since the Petitioner has alleged non-compliance of Sec. 47 of BNSS/Article 22(1) of the Constitution of India.

**4.** In response to the aforesaid order, the IO has filed an affidavit enclosing the copy of arrest memo under Annexure-A, but on perusal of Annexure-A, it is found therein at Sl. No. 30, the reason/grounds of arrest has been reflected as "the above noted accused person involved in the above noted case", however, Sec. 47 of



BNSS makes it imperative for the Arresting Officer to communicate forthwith to the arrestee the particulars of the offences for which he is arrested or other grounds for such arrest. Besides, it is the mandate of law that the grounds of arrest must be communicated to the arrestee by the Arresting Officer in writing immediate after the arrest and if it is not possible immediate after the arrest, the arrestee must be communicated with the same just before two hours his production in the Court.

**5.** Further, the written communication of grounds of arrest to the arrestee is applied prospectively to the arrest after the decision of ***Mihir Rajesh Shah Vrs. State of Maharashtra; (2026) 1 SCC 500*** which was rendered on 06.11.2025, but the arrest in this case has been done on 20.12.2025 and thereby, the settled law will definitely applicable in this case, however, this Court finds the Arresting Officer to have failed to comply the provision of Sec. 47 of BNSS/Article 22(1) of the Constitution of India.

**6.** In view of the above facts and taking into account the failure of the Arresting Officer to comply the



mandatory and statutory provision of law and thereby, vitiating the arrest and subsequent remand of the Petitioner, this Court has no other option left, but to admit the Petitioner to bail.

**7.** Hence, the bail application of the Petitioner stands allowed and he is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) only with one solvent surety 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.

**8.** Accordingly, the BLAPL stands 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.

**(G. Satapathy)**  
**Judge**

*Orissa High Court, Cuttack,  
Dated the 23<sup>rd</sup> day of March, 2026/Priyajit*