

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.221 of 2022

Babuli @ Babui Biswal* *Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Karunakar Nayak,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

31.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.01 of 2022 arising out of Parjanga P.S. Case No.01 of 2022 pending in the Court of learned J.M.F.C., Parjanga for alleged commission of offence under section 52(a)(i) of the Odisha Excise (Amendment) Act, 2016.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the co-accused has already been arrested and he has been released on bail and the petitioner may be permitted to surrender in the learned Court below and move for bail

and claim of parity may be taken into account.

Learned counsel for the State has no objection.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused person, who is stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM