

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.876 of 2022

Kailash Panda @ Kailash Chandra Panda ***Petitioner***

-versus-

State of Odisha ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER

04.02.2022

Order
No.

01. 1. This matter is taken up through virtual mode.
2. The Petitioner apprehending his arrest in Chauliaganj P.S. Case No.475 of 2021, corresponding to G.R. Case No.1690 of 2021, pending in the Court of J.M.F.C.(City), Cuttack, registered for alleged commission of offence punishable under Section 52(a)(i) of the Orissa Excise Act, 2008, has filed this petition for his release on pre-arrest bail.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. Learned counsel for the Petitioner during course of argument submits that he does not want to press this petition for pre-arrest bail since the Petitioner intends to surrender and move for bail before the court below. However, he submits that direction may be given to the court below to dispose of the bail application of the Petitioner on the same day.

5. Considering the submission made, it is observed that if the Petitioner surrenders in the aforesaid case before the Court in seisin over the matter and makes a motion for bail, the Court in seisin over the matter shall consider and dispose of the bail application of the Petitioner in accordance with law on the same day, if there is no other legal impediment. Release of the co-accused, if any, be addressed in proper perspective. The incriminating materials collected against the Petitioner be sent by the I.O. to the Court on the date of surrender, if the date of surrender intimated to him by the Petitioner.

6. However, the aforesaid order should not be construed as a protection from arrest till the date of surrender.

7. The ABLAPL is, accordingly, disposed of.

8. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S.Pujahari)
Judge