

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3356 of 2022

Bhabani Shankar Behera

....

Petitioner

Mr.Dibyajyoti Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Miss. Samapika Mishra, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

01.11.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is the second journey of this petitioner in carrying this application under section 438, Cr.P.C. for his release on bail in the event of his arrest in connection with 2(a) C.C. Case No.85 of 2020 arising out of P.R. Case No.52/2020-21 pending in the court of the learned S.D.J.M., Nilgiri for alleged commission of offence under 52(a) of Orissa Excise Act.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. Considering the submissions made and on going through the materials as placed as also taking into account the surrounding circumstances; while being not inclined to reconsider the prayer for grant of anticipatory bail to the Petitioner; this application stands disposed of with an observation that in the event the Petitioner surrenders before the court in seisin of the case within three weeks hence and moves for his release on bail, the same shall be considered on its own

merit, without being prejudiced by this order and disposed of early in accordance with law so as to enable the Petitioner in case necessity so arises, to approach the next higher forum early.

The case record be transmitted at the cost of the Petitioner.

5. The ABLAPL is accordingly disposed of.
6. Issue urgent certified copy as per rules.

(D. Dash)
Judge

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