

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2812 of 2022

Sandha @ Biswanath Nayak		Petitioner
		Mr. D. Nayak, Advocate
- Versus -		
State of Orissa		Opposite Party
		Mr. S.K. Mishra, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
29.06.2022**

**Order No.
03.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 28.03.2022 in connection with Chauliaganj P.S. Case No.76 of 1998 corresponding to G.R. Case No. 681(A) of 1998 pending in the Court of learned J.M.F.C.(City), Cuttack for the alleged commission of offence under Sections 279/337/338/307/34 of IPC read with Section 179 of M.V. Act and Section 47 of Bihar and Orissa Excise Act.
4. It is alleged that the petitioner, who is the driver of an Ambassador Car, was transporting ID liquor. He was driving the said car in a rash and negligent manner and on seeing the police he intentionally caused the vehicle to dash against the police Jeep with the intention of hurling it into the Birupa river. As a result, several persons sustained injury, The petitioner was apprehended and produced before the concerned Court at Bhadrak and his bail application being rejected, he approached the Court of Sessions for interim bail. Learned Sessions Judge,

Bhadrak granted him 15 days time to surrender before the concerned Court at Cuttack, but he did not appear, instead the petitioner approached this Court in ABLAPL No. 2147 of 2022, which was disposed of by granting him liberty to move for regular bail before the J.M.F.C.(City), Cuttack and in case of rejection, to move the higher forum on the same day. The petitioner's bail application was rejected by learned J.M.F.C (City), Cuttack as also by learned Sessions Judge, Cuttack mainly looking into his conduct of staying away from the trial.

5. Though it is a case of the year 1998, yet having regard to the fact that the petitioner has already spent more than three months in custody and is a permanent resident of the district of Bhadrak, I am willing to take a lenient view in the matter. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case and in case of even a single default, necessary orders shall be passed to take him to custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana