

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3958 of 2022

Prasanta Kumar Behera ***Petitioner***
Mr. Bideshi Kumar Ghadei, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
18.05.2022

Order No.

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1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with P.R. No.104/2021-22 corresponding to 2(a) C.C.Case No.42 of 2022 pending in the Court of the learned S.D.J.(S), Cuttack for alleged commission of offence under Sections 52(a)(i) of Orissa Excise Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 25.03.2022. It is further submitted by the learned counsel for the Petitioner that no liquor has been seized from the exclusive possession of the Petitioner and he was the passenger of the Car and he has also no knowledge whether any contraband article was transporting in the said car. It is also

submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Cuttack district, there is no chance of absconding or fleeing from receiving justice and in the event of his release, he will appear before the trial court on each date of posting of the case and shall abide by the terms and conditions that may be imposed by this Court.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that the Petitioner is a habitual offender having similar criminal antecedents. Accordingly learned Additional Standing Counsel urges rejection of the bail application of the Petitioner.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner and the fact that n liquor has been seized from his exclusive possession of the Petitioner, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.

- vi) Violation of any of the terms and conditions shall entail cancellation of bail.
- 8. The trial court may impose any other condition(s) as deem fit and proper.
- 9. BLAPL is accordingly disposed of.
- 10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

