

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6046 of 2022

Manash Kumar Panda

.... ***Petitioner***
Mr. P.K. Jena, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P. Tripathy, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner seeking pre-arrest bail in connection C.T. Case No.492 of 2022, arising out of Khaira P.S. Case No.123 of 2022 pending in the court of learned J.M.F.C., Soro for commission of offence punishable under Sections 272/273/120-B, I.P.C. read with Section 52(a)/59(d) of the Orissa Excise Act, 2008.
5. Considering the nature of allegations and taking into account that even though, F.I.R. was lodged by the I.I.C. Khaira Police Station. It is submitted that on account of deliver the goods, the petitioner has been arrayed as an accused. It is further submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he had no knowledge the alleged materials are in the auto. On

instruction of the driver, the petitioner has taken the materials to deliver to the persons, namely, Digamber Rout, Bimbadhar Rout and Lochan Rout. Hence this case.

6. Taking into consideration the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrender before the learned court in seisin over the matter, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

