

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5206 of 2022

Kalia Dehury

.... ***Petitioner***
M/s. A.Mishra, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

19.12.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Angul Excise Sadar Range P.R. No. 18/2020-21 corresponding to C.T.(S) Case No.120 of 2021 pending in the Court of learned Sessions Judge, Angul for commission of offence punishable U/Ss. 52(a)(i)/55(b)/59/69 of the Excise Act on the allegation of preparing obnoxious and poisonous country made liquor and serving it to some persons.
 3. In the course of hearing of the bail application, Mr.A.Mishra, learned counsel for the petitioner submits that on the selfsame incident, two criminal cases have been registered, one by the Police and another by the Excise personnel but the petitioner has already been granted bail in the other case. It is further submitted that the petitioner is inside jail custody since last two years and has been remanded in this case around one and half year back and co-accused- Golap Sahu having already been granted bail in this case, the petitioner may kindly be granted with bail.
 4. On the contrary, Mr.M.Mishra, learned ASC however, strongly

opposes the bail application of the petitioner.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioner and other circumstance on record including the pre-trial detention of the petitioner and regard being had to the statement of one Basanta Dehury who has stated to have consumed the liquor along with the petitioner and deceased persons and keeping in view release of co-accused-Golap Sahu on bail, this Court admits the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge