

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7692 of 2022

Gouranga Behera

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

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
12.08.2022

Order No.

I.A. No.977 of 2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners as well as learned counsel for the State.
3. In view of the submissions made, the order dated 21.07.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(A.K. Mohapatra)
Judge

ABLAPL No.7692 of 2022

04. 4. Heard.
5. The petitioner is apprehending arrest for the alleged commission of offence under Sections 52(a) of Orissa Excise Act in 2(a) CC No.208 of 2022 of the court of the learned S.D.J.M.,

Bhadrak, arising out of Info Bhadak Excise Station P.R. No.186 of 2021-22.

6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. It is submitted by learned counsel for the petitioner that on similar footing with the present petitioner, other co-accused persons have already been released on bail.

8. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned S.D.J.M., Bhadrak in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

9. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

10. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge