

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7821 of 2022

Pradeep Behera

....

Petitioner

Mr. Prasant Kumar Barik, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

04.08.2022

Order No.

12. **I.A. No.976 of 2022**

1. This matter is taken up through Hybrid Arrangement (Virtual / Physical Mode).
2. Heard learned counsels for the Parties.
3. Considering the submissions made by the learned counsel for the Petitioner, Order No.01 dated 22.07.2022 passed in ABLAPL No.7821 of 2022 is hereby recalled, and in its place the following order is passed.
4. Considering the nature of allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that the Petitioner is given liberty to surrender before the learned S.D.J.M., Bhadrak in 2(a) C.C. Case No.278 of 2022 arising out of Bhadrak Excise Station P.R. No.19 of 2022-23 in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the

first hour of the day, strictly on the basis of the materials on record. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on merit, strictly on the basis of the materials available on record.

5. Ground of parity, if canvassed by learned counsel for the Petitioner, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner on merit.

6. The ABLAPL and the I.A. is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge