

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1793 of 2022

Okila Bhatta

....
Mr. R. Mohanty, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. T.K. Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.09.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2. In the present case, the challenges is as to the order of issuance of NBWA by the learned S.D.J.M, Khurdha in connection with G.R. Case No.436 of 2009 on the ground that no case is made out against the petitioner, who was the vendor alleged to have sold liquor consuming which some persons died.

3. A copy of the FIR which as at Anenxure-2 is perused by the Court.

4. Learned counsel for the petitioner submits that 6 to 7 persons died after consuming the liquor and thereafter, the FIR was lodged which ultimately resulted in the submission of chargesheet against the petitioner and others. It is further submitted that some of the accused persons have already been acquitted the charge after

full-fledged trial in S.T. No.29/4/60 of 2013/2010 by a judgment dated 12th November, 2013 by the 2nd Additional Sessions Judge, Khurdha.

5. However, considering the nature of allegations and the fact that an NBWA was issued in 2009 which is still pending execution, the Court is not inclined to quash the impugned order under Anenxure-1. However, it is of the view that the petitioner should be directed to surrender and move for regular bail.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Khurda in connection with G.R. Case No.436 of 2009 on or before 21st October, 2022 and move for regular bail and in the event, he prays for bail, the court shall consider the same on merits and according to law.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge