

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9038 of 2022

Muktikanta Palei @ Babuli

....

Petitioner

Mr. B.S.Dasparida, *Advocate*

-versus-

State of Odisha

....

Opposite Party

Mr.Sitiaknta Mishra,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.08.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. The Petitioner is apprehending arrest for the alleged commission of offence under Section 52(a) of Orissa Excise Act in 2(a) C.C.Case No.281 of 2021 the Court of the learned S.D.J.M., Bhadrak arising out of P.R. No.75 of 2021-22.
4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.
5. 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.

6. 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.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy of the order as per Rules.

RKS

