

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9773 of 2022

Laba Charan Panda

.... ***Petitioner***
Mr. B.Pr. Das, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.860 of 2022, arising out of Lanjigarh P.S. Case No.44 of 2022 pending in the court of learned S.D.J.M., Bhawanipatna for commission of offence punishable under Sections 279/337/34, I.P.C. read with Section 52(a) of Odisha Excise Act, 2008.
5. It is submitted by learned counsel for the petitioner that the petitioner is the registered owner of the vehicle bearing registration No.OD-08-F-9907, which was capsized on the road side near Chhatrapur Chowk due to rash and negligence driving of the driver. It is further submitted learned counsel for the petitioner that while the

said vehicle was carrying liquor illegally, the same met with an accident by the petitioner and the petitioner has been falsely implicated in the present case. It is also submitted by learned counsel for the petitioner that the petitioner does not have any criminal antecedents.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. Further, it is directed that the petitioner shall give an undertaking before the learned court below that while releasing on bail, he will ensure that he will not involve in similar nature of offences failing which this order shall automatically be revoked.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Accordingly, the ABLAPL is disposed of.

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

(*A.K. Mohapatra*)
Judge