

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1534 of 2020

Sk. Afsar Ali @ Sk. Atsar

....

Petitioner

Mr. U. C. Jena, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

02.09.2022

Order
No.

01.

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

2. Present petition is filed by the petitioner for quashing of the proceeding in G.R. Case No.1530 of 2020 arising out of Bhadrak Rural P.S. Case No.502 of 2020 pending in the file of learned S.D.J.M., Bhadrak on the grounds stated therein.

3. Perused the FIR i.e. Annexure-1.

4. Learned counsel for the petitioner submits that the petitioner is not involved in the alleged transpiration of tobacco products which was seized by the local police but then, on the basis of statement one of the accused, namely, driver he has been implicated and in that regard, he had also submitted his grievance before the S.P., Bhadrak, a copy of which as at Annexure-2. It is further submitted that the investigation is underway but in so far as the other two accused persons are concerned, they are also similarly situated however both have been directed to surrender before the court below and to go on bail by this Court in ABLAPL No.10233 of

2020 and ABLAPL No.1635 of 2021 and therefore, maintaining parity, the petitioner should be granted the same relief.

5. Having gone through the FIR and the contents therein and considering the submissions of the learned counsel appearing for the respective parties, the Court is not inclined to interfere with the criminal proceeding which has been initiated against the petitioner pursuant to Bhadrak Rural P.S. Case No.502 of 2020 but since he is stated to be in similar footing like other two accused persons, the Court is inclined to direct him to surrender and go on bail in connection with case pending before the learned court below.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court in seisin over the matter on or before 28th September, 2022 in connection with Bhadrak Rural P.S. Case No.502 of 2020 corresponding to G.R. Case No.1530 of 2020 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge

TUDU