

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.8676 of 2021**

***Biranchi Sethi***

....

***Petitioner***

*Mr. P.K. Pradhan, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

*Mr. M. Mishra, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**22.06.2022**

**Order No.**

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.2199 of 2021 corresponding to Choudwar P.S. Case No.393 of 2021 pending in the court of learned J.M.F.C.(R), Cuttack for commission of offence punishable under Section 52(a)(i) of Odisha Excise Act.
5. It is alleged that on 18.09.2021 while the informant who is the S.I. of Choudwar P.S. was doing patrolling duty along with her staff, at about 8 P.M. received credible informant that one person is

illegally selling I.D. liquor and Aska-40 CS liquore at Nimapada. After getting such information, the spot was raided and the present petitioner was apprehended. On search, 50 nos. of sealed Aska-40 CS liquor bottles each bottle having 200 ML and two nos. of jerycanes each containing 50 lites of ID liquor were recovered and seized from the possession of the petitioner. Hence this case.

6. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present and he is in custody since 19.09.2021.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that :-

- I. The Petitioner shall not get involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence in any manner whatsoever and shall appear in court during trial on each and every date without fail while he is on bail; and
- III. he shall make any default in attending the court during trial.

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

9. It is open for the court in seisin over the matter to impose any conditions as may deem just and proper.

10. The Bail Application is accordingly allowed.

**( A.K. Mohapatra )**  
**Judge**

Jagabandhu

