

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12873 of 2022

Chandrakanta Dhir @ Nanduka **Petitioner**
Sk. Zafarulla, Advocate

-versus-

State of Odisha **Opposite Party**
Mr. M.K. Mohanty, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
10.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Section 52(a) of the Orissa Excise Act.
4. Learned counsel for the Petitioner submits that some of the co-accused situated in the same footing with the present Petitioner have already been released on bail in the meantime.
5. Considering the aforesaid submission, seriousness of the allegation, gravity of the offence and the facts of the case, though I am not inclined to grant anticipatory bail to the Petitioner, however the Petitioner is given liberty to surrender before the learned J.M.F.C., Basudevpur in 2(a) C.C. Case No.79 of 2021

corresponding to OIC of Excise, District Mobile Charge, Bhadrak P.R. No.72 of 2021-22 in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on merit, strictly on the basis of the materials available on record. Case Diary be made available to the learned courts below as soon as possible to facilitate in disposing of the bail application of the Petitioner on the same day itself.

6. Ground of parity, if canvassed by learned counsel for the Petitioner, may be taken into consideration by the learned courts below as per law, while dealing with the bail application of the Petitioner on merit.

7. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge