

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10183 of 2022

***Sankar Khatei @ Shankar
Khatei***

....

Petitioner

Mr. S.K. Pradhan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
03.11.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in 2(a)CC Case No.45 of 2022, pending in the file of learned J.M.F.C., Kabisuryanagar, arising out of Kabisuryanagar P.R. Case No.75 of 2022-23, for alleged commission of offence under Sections 52(a) of the Odisha Excise Act and is in custody since 23.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Kodala, Ganjam, by order dated 11.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is a first offender.
6. Perused the order of rejection.

7. Taking into account that the I.D liquor and IMFL liquor was seized from the possession of the petitioner and the punishment prescribed and that the petitioner is stated to be in custody since 23.09.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal antecedent of similar nature. If it comes to the fore that the petitioner has any such criminal antecedent this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

