

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13471 of 2022

Ashok Kumar Barik

....

Petitioner

Mr. Birendra Kumar Padhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasis Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

18.11.2022

Order No.

04.

1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application U/s.438 Cr.P.C., the Petitioner seeks grant of bail in anticipation of arrest for his alleged involvement in the offences U/s. 52(a)(i) of Orissa Excise Act, in connection with 2(a)CC No.65 of 2022 pending in the court of learned J.M.F.C., Thakurmunda in the district of Mayurbhanj.
3. It is alleged that, while performing patrolling duty, the Excise Officials conducted raid and found the Petitioner in illegal possession of 600 kgs. of Mohua Flower. It is alleged that, seeing the patrolling party, the Petitioner fled away from the spot. On the basis of the Prosecution Report, the court in seisin over the matter allegedly to have issued non-bailable warrant of arrest against the Petitioner. Hence, the Petitioner has moved in the present.

4. Learned counsel for the Petitioner submits that the offence alleged against the Petitioner is bailable in nature, but issuance of N.B.W.A. against the Petitioner raises reasonable apprehension of his arrest and hence the Petitioner has moved for bail.

5. Learned counsel for the State on the other hand submits that the matter being bailable in nature and further that NBW has already been issued the present application is not maintainable.

6. Admittedly, the case of the Petitioner is that, having implicated in the offence under Section 52(a)(i) of the Orissa Excise Act, the Court in seisin over the matter has issued N.B.W.A. The offence alleged is bailable in nature. Since the court below has already issued N.B.W. against the Petitioner, the present application loses significance and the prayer for anticipatory bail stands rejected. The ABLAPL is dismissed accordingly.

(*Chittaranjan Dash*)
Judge

S.K. Parida