

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9511 of 2021

Kanhu Das

....

Petitioner

Mr.J. Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.A.N. Pradhan, Addl. Standing Counsel

CORAM:

JUSTICE R.K. PATTANAİK

ORDER

12.01.2022

Order No.

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Kodala P.S. Case No.515 of 2021-22 corresponding to G.R. Case No.1322 of 2021 pending in the court of learned J.M.F.C., Khallikote on the grounds stated therein.
4. Perused the F.I.R. as at Annexure-1 and the impugned order dated 11.10.2021 i.e. Annexure-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the alleged recovery was made from a vehicle and the present accused was the driver and he does not have any criminal antecedent and in the meantime, charge sheet has been filed, considering which, he should be enlarged on bail with any conditions, which is objected

to by the learned counsel for the State on the ground that huge quantity of ID liquor has been seized i.e. 700 litres, while being transported in the vehicle in question.

7. Admittedly, considering the F.I.R. alleged recovery is shown against the petitioner, who was the driver of the vehicle in question which was intercepted by the local police and searched. Prima facie, the materials suggest such recovery of 700 litres of ID liquor which was being transported without being authority. The petitioner is the lone accused, who has been arrested by the local police. It is claimed that the accused was merely the driver of the vehicle and does not have any criminal track record either.

8. Having regard to the above facts, submission of learned counsel for the petitioner to the effect that the accused is having no criminal antecedent and filing of charge sheet, the Court is of the humble opinion that accused should be released on bail with conditions.

9. Accordingly, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

10. The above bail order shall not be given effect to by the learned court below, if on verification, it finds presence of criminal antecedent of similar nature against the petitioner.

11. The BLAPL is accordingly disposed of.

12. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a

printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge

KC Bisoi

