

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9530 of 2021

Gautam Behera

....

Petitioner

Mr. J. Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

10.01.2022

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 of Cr.P.C for grant of bail to the petitioner in connection with Banpur P.S. Case No.366 of 2021 registered under Section(s) 272 and 273 IPC and Section 52(a)(i) of Odisha Excise Act corresponding to G.R. Case No.330 of 2021 pending in the file of learned J.M.F.C., Banpur on the grounds stated therein.
4. Perused the impugned order dated 25.10.2021 as at Annexure-1.
5. Learned counsel for the petitioner submits that the accused is in custody since 14.10.2021 and in so far as the recovery and seizure is shown, it is of 18 litres of Aska-40 and 20 litres of I.D. liquor kept in plastic jerkins found in an auto-rickshaw and in the meantime, charge sheet stands filed, considering which, the accused

should be enlarged on bail with any conditions as deemed just and proper.

6. Learned counsel for the State submits that there is no information with regard to submission of charge sheet as case diary up to November, 2021 is available with him.

7. Gone through the impugned order dated 25.01.2021. Prima facie, recovery and seizure of 18 liters of Aska-40 and 20 liters of I.D. liquor shown to have been made from the conscious possession of the petitioner. The learned counsel for the petitioner submits that accused is having no criminal antecedent. As earlier submitted, the petitioner is in custody since month of October, 2021.

8. Having regard to the above facts and the fact that the investigation stands concluded as submitted by the learned counsel for the petitioner to the effect that charge sheet is filed on 11.12.2021 and recording the submission that the accused is having no criminal antecedent, the Court is inclined to grant bail to the petitioner with conditions and accordingly, it is ordered.

9. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.40,000/-(rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter with conditions that he shall not involve or indulge himself in any such similar kinds of criminal activities, while on bail; and shall be of good behavior and conduct, in the meantime.

10. The BLAPL is disposed of.

11. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof

at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

(R.K. Pattanaik)
Judge

TUDU

