

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13953 of 2022

Babula Singh

....

Petitioner

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

01.11.2022

Order No.

01.

1. Heard learned counsel for the Petitioner and the State.

2. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail for the offences under Section 52(a) of the Odisha Excise Act.

3. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, the Petitioner is at liberty to surrender before the learned S.D.J.M., Nilgiri in C.T. Case No.444 of 2022 corresponding to Nilagiri P.S. Case No.284 of 2022 within three weeks' from today and moves for bail. In such event the learned court in seisin over the matter 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 its own merit.

4. In case of rejection of the bail application by the learned court, 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 its own merit.

5. It is made clear that the learned court below shall not be influenced by any of the observations of this Court made herein above in any manner. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day.

6. The ABLAPL is disposed of.

संयमिक न्याये

(Chittaranjan Dash)
Judge