

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9573 of 2021

Harihar Nath

....
Mr.D.K. Swain, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. S.N. Das, Addl. Standing Counsel

Opposite Party

**CORAM:
JUSTICE R.K. PATTANAIK**

ORDER

10.01.2022

Order No.

02.

1. This matter is taken up through video conferencing mode.
2. Learned counsel for the petitioner is permitted to make necessary correction in the case number of the cause title of the bail application.
3. Heard learned counsel for the petitioner and learned counsel for the State.
4. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Excise Unit(I) Cuttack P.R. No.121/2021-22 corresponding to 2 (a) C.C. Case No.104 of 2021 pending in the court of learned J.M.F.C., Chandikhol on the grounds stated therein.
5. Perused the impugned order dated 23.10.2021 enclosed to the bail application under Annexure-1.
6. Learned counsel for the petitioner submits that the quantity of 540 litres of ID liquor said to have been recovered from a Bolero vehicle in presence of the accused, who has been in custody since last three months and in the meantime, provisional PR has

already been submitted, considering which, he should be enlarged on bail with any conditions.

7. Learned counsel for the State contends that he has no instruction with regard to filing of provisional PR but opposed the release of the petitioner on bail in view of the alleged recovery of 540 litres of I.D. liquor.

8. Perused the impugned order as at Annexure-1 and it shows recovery and seizure of 540 litres of ID liquor from the exclusive possession of the petitioner and another accused. The learned counsel for the petitioner submits that he does not have any criminal antecedent. It is made to suggest that the petitioner is a local habitant of the place which is situated in the district of Dhenkanal. In so far as the recovery is concerned, it is, prima facie, established. No doubt, a good quantity of ID liquor was seized during the incident. The petitioner claims to have no criminal antecedent to his credit. As submitted, provisional PR has already filed.

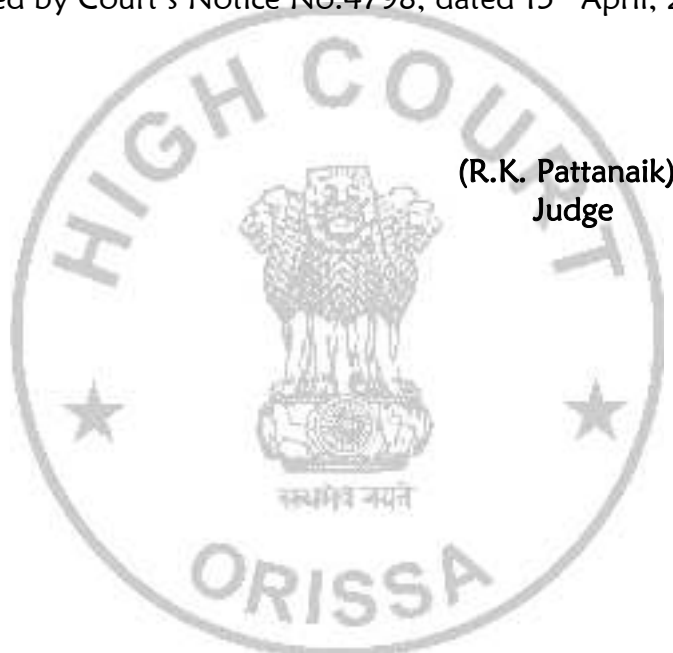
9. Having regard to the above facts and recording the submission of learned counsel for the petitioner about absence of previous criminal antecedent vis-à-vis the accused and also filing of provisional PR, the Court is inclined to release the petitioner on bail with conditions.

10. Accordingly, it is directed that the petitioner be released 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, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

11. The above order of bail 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.

12. The BLAPL is accordingly disposed of.

13. 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 as modified by Court's Notice No.4798, dated 15th April, 2021.



(R.K. Pattanaik)
Judge