

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14135 of 2022

***Susanta Kumar Sahoo @ Suka @* *Petitioner*
Sushanta Kumar Sahoo**

Mr. S.K. Dwivedi, Advocate

-versus-

***State of Odisha* *Opp. Party*
Mr. Debasis Biswal, ASC**

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
04.11.2022**

Order No.

01. 1. Heard learned counsel for the Petitioner and the State.
2. By means of this application under Section 438 Cr.P.C., the Petitioner seeks bail in anticipation of his arrest for alleged involvement in the offence under Sections 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 J.M.F.C.(R), Cuttack in 2(a) CC Case No.858 of 2022 corresponding to P.R. No.42 of 2022-23 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. It is also made clear that the learned court below shall verify the criminal antecedent of the Petitioner, if necessary, be admitting the Petitioner to bail provisionally till the information is received and in case more than one antecedent is noticed, the order of this Court shall not be given effect to and the Court shall be free to deal with the matter of bail according to its merit without further reference to the present case.

6. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge