

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14430 of 2022

Sudarsana Behera

.... Petitioner

Rajalaxmi Biswal, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

28.11.2022

Order No.

02. 1. Heard the learned counsel for the Petitioners and the State.
2. By means of this application U/s.438 Cr.P.C., the Petitioner seeks grant of bail in apprehension of arrest for his alleged involvement in the offence U/s. 52(a)(i) of the Orissa Excise (Amendment) Act.
3. Considering the seriousness of the allegation, gravity of the offence and the facts and circumstances of the case, while this Court is not inclined to grant anticipatory bail to the Petitioner, it is directed that the Petitioner if so chooses, may surrender before the S.D.J.M., Talcher in G.R. Case No.1781 of 2022 corresponding to Colliery P.S. Case No.374 of 2022 during the first hour within three weeks hence and move for bail, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day itself, strictly on the basis of the materials available on record. In case of rejection of the bail application by the learned Magistrate, 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, strictly on the basis of the materials available on record, without being influenced by any observation made herein by this Court or even presuming it to be a direction for grant of bail in affirmative.

4. Case Diary be transmitted and made available to the learned courts below, at the cost of the Petitioner, as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day itself.

5. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

S.K.Parida

