

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14438 of 2022

Shiba Narayan Das

....

Petitioner

Mr. Kuldeep Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

09.12.2022

Order No.

02.

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

2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement /in the offences U/s.52 (a) of the Odisha Excise Act.

3. Learned counsel for the State submits that one criminal antecedent of the similar nature stands to the credit of the present Petitioner.

4. Having regard to the nature of allegations as emerged from the material on record, 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), Balasore in Remuna P.S. Case No.131 of 2022 corresponding to C.T. Case No.698 of 2022 within three weeks'

hence 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.

5. 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, if there be no legal impediment on its own merit strictly on the basis of the material available on record. 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.

(Chittaranjan Dash)
Judge

KC Bisoi