

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14636 of 2022

Toophan Kumar Sahu @ Tapan Kumar Sahu and another ***Petitioners***

Mr. Jyotirmaya Sahoo, Advocate

-versus-

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

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
19.12.2022**

Order No.

01.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences U/s.420/272/273/34 IPC read with Section 20/24 of COTP Act and Section 51/52/53/56/57/59/63 of the FSSAI Act.
3. Learned counsel for the State submits that no criminal antecedent stand to the credit of the present Petitioners.
4. There appears no tangible material engaging the present Petitioners in the manufacturing of the Tobacco as submitted by the learned counsel for the Petitioners and that the manufacturer have been taken to custody in the meanwhile.

5. Considering the role of the present Petitioners who are the labourers engaged by the owner in absence of any criminal antecedent standing to their credit, this Court is not inclined to grant anticipatory bail, the Petitioners are at liberty to surrender before the learned S.D.J.M., Berhampur in Gopalpur P.S. Case No.230 of 2022 corresponding to G.R. Case No.2723 of 2022 within three weeks' hence and move for bail. In such event the learned court in seisin over the matter shall consider the bail application of the Petitioners in the first hour of the day, strictly on the basis of the materials available on record in its own merit.

6. In case of rejection of the bail application by the learned court, the Petitioners 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 Petitioners 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 Petitioners on the same day. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge