

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14679 of 2022

Dhiren Kumar Sahu

....

Petitioner

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 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.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 stands to the credit of the present Petitioner.
4. There appears no tangible material engaging the present Petitioner in the manufacturing of the Tobacco. As submitted by the learned counsel for the Petitioner the manufacturer has been taken to custody in the meanwhile.
5. Considering the role of the present Petitioner who is the labourer engaged by the owner in absence of any criminal antecedent

standing to his credit, while this Court is not inclined to grant anticipatory bail, it is directed that if the Petitioner chooses 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 moves for bail, 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.

6. 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. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge