

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14809 of 2022

Ramesh Jena & others

....

Petitioners

Mr. Gagan Bihari Singh, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D. Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

21.12.2022

Order No.

- 02.
1. Heard learned counsel for the Petitioners and for 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. 34 of IPC read with Section 52a/52c of Orissa Excise Act.
 3. Learned counsel for the Petitioners submits that the alleged ID liquor seized from the exclusive possession of one Kulamani Behera.
 4. Learned counsel for the State submits that the Petitioners do not have any criminal antecedent but his involvement is spelt out by the co accused.
 5. 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 petitioners are at liberty to surrender before the learned J.M.F.C., Tigiria in Tigiria P.S. Case No. 208 of 2022 corresponding to C.T. Case No. 200 of 2022 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 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 Petitioner on the same day on its own merit.

7. 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 Petitioners on the same day.

8. Court has to apply its own wisdom in dealing with the application for bail.

9. Ground of parity, if canvassed by the learned counsel for the Petitioners, shall be taken into consideration by the learned court below while considering the bail application of the Petitioners.

10. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo/AK Pradhan