

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10624 of 2021

Lilu Sabar

....

Petitioner

Mr. Manas Chand, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.S. Mohapatra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.01.2022

Order No.

01.

2. Heard Mr. Manas Chand, learned counsel for the Petitioner and Mr. S.S. Mohapatra, learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.

3. This is an application under Section 439 of the Criminal Procedure Code.

4. The Petitioner is an accused in 2(a) CC No.34 of 2021 corresponding to Balugaon Excise P.R. Case No.80/2021-22 pending in the court of learned J.M.F.C., Banapur for commission of offence punishable under Section 52(a)(i) of Odisha Excise Act.

5. It is alleged that on 20.11.2021 at about 4.00 P.M. when the Officer-in-Charge of Excise Station, Balugaon along with his staff were performing patrolling duty near Muktadeipur Canal Road, the present Petitioner was binding some heavy pollysack by means of a rubber tube on a red colour TVS Apache bike. On suspicion, detained the Petitioner and on search 340 numbers of polythene

pouch contains 500 Ml of liquor i.e. total 170 liters of liquor from the exclusive and conscious possession of the present Petitioner were found.

6. It is submitted by learned counsel for the Petitioner that on suspicion, the Petitioner has been implicated in this case and he is in custody since November, 2021.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not get involved in any offence of similar nature, he shall not tamper with the prosecution evidence in any manner whatsoever and shall appear in court during trial on each and every date without fail while he is on bail. Violation of any of the terms and conditions shall entail cancellation of bail granted hereby.

9. It is open for the court in seisin over the matter to impose any conditions as may deem just and proper.

10. The Bail Application is accordingly allowed.

11. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically stands revoked.

12. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

Jagabandhu

(A.K. Mohapatra)
Judge

