

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15518 of 2022

***Chandru Kumar Badhei @
Chandru***

....

Petitioner

Mr. Dibyajyoti Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

19.12.2022

Order No.

01. 1. Heard the learned counsels for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offence U/s. 272/273/34, I.P.C. and Section 52(a) of Orissa Excise Act, in connection with Chandipur P.S. Case No.82 of 2021 corresponding to C.T. Case No.853 of 2021 pending in the court of learned J.M.F.C. (City), Balasore.
3. It is alleged by one Ajay Kumar Murmu, I.I.C., Chandipur P.S. that on 19.10.2021 at 7 A.M. as per the instruction received from higher authority, he had been to Puruna Balasore area conducted joint excise raid along with other police staff. At about 11.45 A.M. while they were performing joint raid at village Tulasipada, they found one person busy in preparing ID liquor along with other 11 persons by using Chula in his Bhati in the backside of his house. On

seeing the police party, all of them fled away from the spot. On verification it was noticed by police party that 600 liters of noxious country ID liquor kept in six numbers of plastic jerkin along with 6000 liters of “Gur Poch” in six numbers of plastic container from which pungent smell were coming out. On local enquiry it was ascertained that one Babu @ Nandu @ Sridhar Tarei of village Tulasipada and his 11 associates were preparing the said noxious ID liquors illegally. The above said articles were seized from the spot by the police party.

4. Having regard to the nature and seriousness of the allegation, gravity of the offence and the facts and circumstances of the case, while this Court is not inclined to grant anticipatory bail, it is directed that the Petitioner, if he so chooses, may surrender before the learned J.M.F.C. (City), Balasore in the aforesaid C.T. Case during the first hour within three weeks from today and move for bail. In such event, the learned Magistrate may consider the bail application of the Petitioner in the first hour of the day as far as practicable, strictly on the basis of the materials available on record and taking into account the fact that his name has been mentioned in the F.I.R and is involved in transaction of huge quantity of I.D liquor.

5. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum may consider and dispose of the bail application of the Petitioner on the same day on its own merit, strictly on the basis of the materials available on record if there be no other legal impediment, without

being influenced by any observation made herein by this Court or even presuming it to be a direction in affirmative.

6. Case Diary be transmitted and made available to the learned courts below, at the cost of the Petitioner, to facilitate disposal of the bail application of the Petitioner, if any.

7. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K.Parida

