

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3915 of 2022

Madan Mohan Jethi

....
Mr. A.N. Samantaray, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr. Sitikanta Mishra, ASC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.1399 of 2022 arising out of Dhenkanal Sadar P.S. Case No.536 of 2022 pending in the file of learned S.D.J.M., Dhenkanal on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1.
 4. From the FIR, it reveals that Dhenkanal Sadar P.S. Case No.536 of 2022 has been registered against the petitioner under Section 52(a) of the Odisha Excise (Amendment) Act, 2016. It is submitted that the petitioner is the owner of the vehicle in question which was intercepted by the patrolling party and detained. It is alleged that the petitioner was unlawfully transporting ID liquor but

learned counsel appearing for him submits that if the Court is not inclined to quash the proceeding, considering the fact that he was not present at the spot, should at least be released on bail with conditions, which is objected to by Mr. Mishra, learned counsel for the State.

5. It appears that on the prayer of the IO, learned court below issued NBWA against the petitioner by order dated 22nd November, 2022 under Annexure-2. The involvement or otherwise of the petitioner in the alleged crime is to be ascertained during trial. But having regard to the facts on record, the Court is of the view that the petitioner should be directed to surrender before the learned court below and released on bail subject to conditions.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Dhenkanal on or before 12th January, 2023 in G.R. Case No.1399 of 2022 arising out of Dhenkanal Sadar P.S. Case No.536 of 2022 and in the event he surrenders within the time stipulated, the court below shall release him on bail with conditions as deem just and proper.

8. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge