

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12367 of 2022

Kedar Nayak & Another

....

Petitioners

Mr. P. Beura, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in 2(a) CC Case No.194 of 2022, pending in the file of the learned S.D.J.M., Banki, arising out P.R. No.158 of 2022-23 of Mobile Unit I, Cuttack, for commission of alleged offences under Section 52(a)(i) of Odisha Excise Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Banki, by order dated 07.12.2022 in the aforementioned case, the present BLAPL has been filed.
4. Perused the order of rejection.
5. Keeping in view the nature of allegations and considering the categorical assertion of the learned counsel for the petitioners, on instruction, that the petitioners do not have any criminal antecedents of similar nature, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

6. Before releasing the petitioners, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioners have such criminal antecedent, this order shall stand recalled.
7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Ayesha

