

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16372 of 2021

Santosh Jena @ Babu

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

21.01.2022

Order
No.

01.

1. This matter is taken up through virtual mode.
2. The Petitioner apprehending his arrest in Nilagiri P.S. Case No.355 of 2021, corresponding to C.T. Case No.519 of 2021, pending in the Court of S.D.J.M., Nilgiri, registered for alleged commission of offence punishable under Section 52(a) of the Orissa Excise Act, 2008, has filed this petition for his release on pre-arrest bail.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. Learned counsel for the Petitioner during course of argument submits that he does not want to press this petition for pre-arrest bail since the Petitioner intends to surrender and move for bail before the court below. However, he submits that direction may be given to the courts below to dispose of the bail application of the Petitioner on the same day.
5. Considering the submission made, it is observed that if the Petitioner surrenders in the aforesaid case in the first hour before the court of S.D.J.M., Nilgiri and makes a motion for bail, the learned S.D.J.M., Nilgiri shall consider and dispose of the same in accordance with law

during the first hour. In case of rejection of the bail application, the Petitioner may move for bail before the next higher forum in the second hour and in that event, the bail application of the Petitioner shall be considered and disposed of by the higher forum in accordance with law on the same day, if there is no other legal impediment. Release of the co-accused, if any, be addressed in proper perspective. Case Diary be made available to the Court on the date of surrender, if intimated to the I.O. concerned.

6. Records shall be transmitted to the higher forum. Cost, if any, shall be paid by the Petitioner.

7. However, the aforesaid order should not be construed as a protection from arrest till the date of surrender.

8. The ABLAPL is, accordingly, disposed of.

9. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy 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 Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S.Pujahari)
Judge