

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.16218 of 2022**

***Subrat Swain @ Subrat Kumar Swain*** .... ***Petitioner***

Mr.S.K. Mohanty, Advocate

*-versus-*

***State of Odisha*** .... ***Opposite Parties***  
Mr. S. Jena, ASC

**CORAM:  
MR. JUSTICE D.DASH**

**ORDER**  
**23.12.2022**

**Order No.**

01. 1. This matter is taken up through hybrid arrangement (hybrid/physical) mode.
2. The Petitioner having been implicated in Balichandrapur P.S. Case No.0381 of 2022 corresponding to C.T. Case No.1767 of 2022 on the file of learned J.M.F.C., Chandikhole for alleged commission of offence under sections 52(a) of the Orissa Excise Act has filed this application under section 438 of the Cr.P.C. for his release on bail in the event of his arrest in the said case.
3. Heard learned counsel for the Petitioner and learned counsel for the State.

4. Considering the submissions made and on going through the materials as placed as also taking into account the surrounding circumstances, while being not inclined to consider the prayer for grant of anticipatory bail to the Petitioner; this application stands disposed of with an observation that in the event the Petitioner surrenders before the court in seisin of the case and move for his release on bail, the same shall be considered on its own merit and disposed of in accordance with law without being influenced by this order during the first half of the day so as to enable the Petitioner in case necessity so arises, to approach the next higher forum in the second hour for its disposal in course of the day unless there stands any legal impediment. The case diary be made available at the cost of the Petitioner.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

**(D.Dash)**  
**Judge**